



HOME OFFICE

THE CASE OF JAMES HANRATTY

Report of Mr C Lewis Hawser QC
of his assessment of the representations put
forward in the case of James Hanratty
and of other relevant material

*Presented to Parliament by the Secretary of State for the Home Department
by Command of Her Majesty
April 1975*

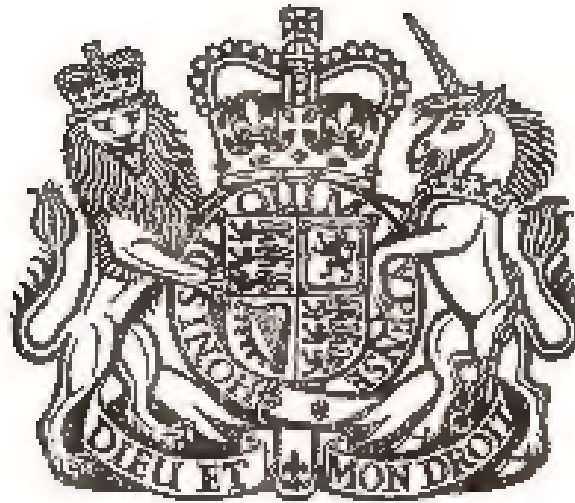
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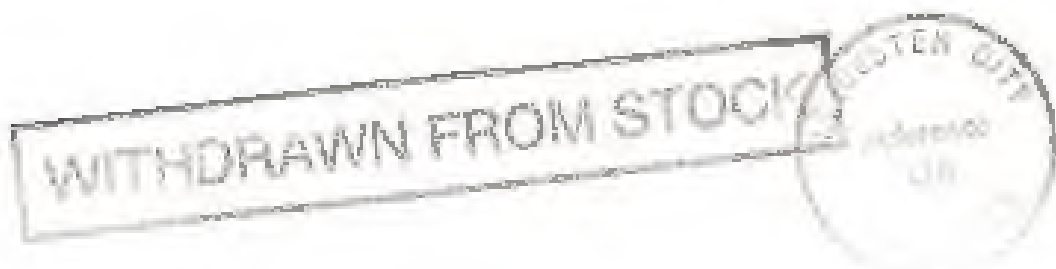


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APPENDICES

- A. Photograph of Mr. Hanratty (Exhibit 125).
- B. The Two Identikit Pictures (Exhibit 82).
- C. Photograph of Mr. Alphon (Exhibit 103).

NOTE: Mr. Hawser's report included as a further Appendix a map of Rhyl, but for technical reasons it has not been possible to reproduce this.

*To: The Right Honourable Roy Jenkins MP,
Her Majesty's Principal Secretary of State for the Home Department.*

INTRODUCTION

1. On the 19th July 1974 you invited me to undertake the task of making an independent assessment of the representations that had been received in the case of James Hanratty and of any other relevant material. You informed me that it was not your intention that this should be in any way a formal or public enquiry: but that in addition to the existing documentary material it would be open to me to receive and consider written representations from any source. While making it clear that having regard to the form of the enquiry it would hardly be appropriate for me to undertake oral examination of witnesses or to hear formal argument by Counsel you did not exclude the possibility of my interviewing and discussing the case with interested persons.

2. I accepted the invitation. I have completed my enquiry and have the honour to present my Report.

3. Before proceeding to the analysis and assessment it may be helpful if I indicate the nature of the material which I have considered and the representations I have received.

4. Subsequent to my appointment you arranged for Mr. Hanratty's family to be represented by a solicitor to assist them in formulating their representations and presenting their case. Mr. Geoffrey Bindman was instructed for the family and has acted for them. I am indebted to him for his assistance.

5. I have been furnished with a very large number of documents both by the Home Office and by Mr. Bindman, and I have also received a number of further written representations from various persons.

6. I do not think it necessary to list the documents which I have read but I feel it would be desirable for me to set out the principal classes. They are as follows:

- (1) The depositions.
- (2) Statements of witnesses called at the Magistrates' Court.
- (3) Statements of witnesses not called at the Magistrates' Court.
- (4) The twenty-one volumes of the Transcript of the Trial.
- (5) Such of the exhibits as I required.
- (6) Defending Counsel's Brief; Mr. Hanratty's proof of evidence; and other proofs and material relating to the Defence.
- (7) The grounds of appeal.
- (8) Lord Parker's judgment dismissing the appeal.

- (9) The Petition for a reprieve to the Home Secretary in March 1962 and the accompanying papers and statements.
- (10) Two Reports presented to you in 1967 by Detective Chief Superintendent Douglas Nimmo of his investigations into Mr. Hanratty's "Rhyl Alibi".
- (11) Statements taken by Mr. Nimmo and by other Police Officers for the purpose of these investigations.
- (12) Numerous statements made by other persons including certain statements supplied to me by Mr. Bindman.
- (13) Reports of proceedings in both Houses of Parliament relating to the matter.
- (14) Articles in newspapers and magazines.
- (15) Transcripts of television and radio broadcasts.
- (16) Transcripts of tape recordings of what are alleged to be telephone conversations between Mr. Peter Louis Alphon and other persons.
- (17) Representations made to the Home Office by or on behalf of Mr. Hanratty's family and by other persons.
- (18) Representations made to me directly.
- (19) Mr. Bindman's written submissions dated 31st January 1975 on behalf of the family and other written submissions made by him.
- (20) Police and other reports.
- (21) Four books on the case written by Mr. Jean Justice: Mr. Louis Blom-Cooper Q.C.; Lord Russell of Liverpool and Mr. Paul Foot. The last of these, entitled "Who Killed Hanratty?" appeared in 1971. In 1973 a paper-back addition was published containing a postscript written in July 1972.

7. Mr. Bindman has brought Mr. and Mrs. Hanratty senior and their son Michael to see me and I have thus had the opportunity of receiving their oral representations and views in addition to their written representations.

8. At Mr. Bindman's request I agreed to listen to what are alleged to be tape recordings of telephone conversations between Mr. Alphon and other persons. For this purpose Mr. Jean Justice—in whose custody the tapes were—attended with Mr. Bindman and I listened to the tapes. No discussion of the case occurred on this occasion.

9. Mr. Foot's book—which runs to 405 pages and 26 pages of postscript—contains a very exhaustive analysis of the material and of the arguments in favour of Mr. Hanratty's innocence. Mr. Bindman in his written submission said that "we endorse in general the contents of this book" and has specifically asked me to take careful note of the evidence and arguments put forward by Mr. Foot. I have done so. (References to it are to the hardback edition in this form "P.F.—").

10. Mr. Justice Brabin in his Report on the Case of Timothy John Evans (Command 3101) emphasised forcibly the difficulties facing an enquiry which takes place a number of years after the event and the problems arising from

the frailty of human recollection and the uncertainties even of the written records. These difficulties apply perhaps still more strongly to the present enquiry when so much of the material consists of statements by witnesses who have never given evidence and whose reliability and accuracy has not been tested by the normal methods. It is further complicated by the allegations which have been made as to the role of Mr. Alphon.

11. The case has been the subject matter of a very great deal of comment and debate in both Houses of Parliament: in the press: on television and radio: and several books have been written about it. A large number of representations have been made by many persons but above all by the family to the Home Office and to successive Home Secretaries and repeated attempts have been made to have it reopened by means of a Public Enquiry. The latest of these occurred last year when on the 20 June 1974, in answer to questions by Members of Parliament, you stated your intention of inviting a Queen's Counsel to make the independent assessment. Whilst I have naturally given very careful consideration to all the arguments, submissions and representations, I have based my assessment primarily on the factual material both in the form of the original evidence and the additional statements. In these circumstances in order to present as complete a picture as possible of the material on which I have based my assessment I have, where I thought it necessary, set out the relevant evidence in detail and quoted directly from the original source.

II

OUTLINE OF THE CASE

12. In the early hours of the 23rd August 1961—at about 2.00 a.m. or a little later—Michael John Gregsten was murdered by being shot through the head twice. He was sitting in the driver's seat of a 1956 grey Morris Minor. The car was in a lay-by or slip road running parallel with a section of the A6 known as Deadmans Hill, a few miles south of Bedford. In the front passenger seat was Miss Valerie Jean Storie who was subsequently raped and later shot by the murderer: she and Mr. Gregsten were found a few hours later at the side of the lay-by.

13. On the 11th October 1961 James Hanratty was arrested in Blackpool. After interrogation and identification parades he was charged with the murder on the 14th October. On the 17th February 1962 after a trial lasting 21 working days he was convicted and sentenced to death. His appeal was dismissed on 13th March 1962 and he was executed on 4th April 1962.

14. Mr. Gregsten, aged 36, was a Civil Servant employed at the Road Research Laboratory at Langley, Bucks. He was married with two children.

15. Miss Storie, aged 23, was also employed at the Laboratory. They had been on close and intimate terms for a considerable period of time.

Miss Storie's evidence at the trial

16. On Tuesday the 22nd August 1961 Mr. Gregsten and Miss Storie met after work. Later they went to the Old Station Inn, Taplow, for a drink. They left the Inn at about 8.45 p.m. and drove some 1½ miles into a cornfield near Dorney Reach. They apparently went to this field from time to time but had only been there a couple of times in the previous three months. They remained in the Morris Minor.

17. At about 9.15 p.m. as it was getting dark a man came up and tapped on the driver's window. Miss Storie could see from his shoulders to his waist. He wore "a dark suit and a white shirt and a tie—a very smart looking suit". Suddenly a gun was thrust through the window and the man said:

"This is a hold up,

I am a desperate man.

I have been on the run for four months".

18. After taking the ignition key from Mr. Gregsten the man got into the back of the car. He took control of the couple from his position in the back with the gun in his hand.

19. The couple were never allowed to look behind but a considerable amount of conversation took place during the succeeding hours. Significant remarks made by the man were:

(a) That he had not had the gun very long: "This is like a cowboy's gun: I feel rather like a cowboy",

(b) That he had never shot anyone.

- (e) That he was very hungry: had not eaten for two days and had been sleeping out the last two nights (which Miss Storie thought was contradicted by his appearance).
- (d) That he had never had a chance in life: that when he was a child he had been locked in the cellar for days on end and only had bread and water to drink: that since he was eight he had been to remand homes and Borstal: he had done C.T. and the next thing he would get would be P.D. He said: "I have done the lot" and that he had "done housebreaking". Miss Storie believed he said he had done 5 years for housebreaking.
- (e) That he had been on the run for 18 months.
- (f) That he did not like smoking and did not usually smoke.
- (g) He asked about the gear positioning when Mr. Gregsten was driving—Miss Storie said he did not seem to have much knowledge of the Morris Minor car.

20. Miss Storie's description of his speech and voice were as follows:

"He had got a London type accent. He could not say 'things' and 'think'."

Q. "What did he say instead of 'things' and 'think'?"

A. " 'Fings' and 'Fink'."

Q. "Did you notice anything else about his voice?"

A. "It was very quiet, very softly spoken, not at all deep" . . . "not a deep voice".

Q. "Were you able to form any impression of his age – his sort of age?"

A. "Not very old – twenty-ish".

Q. "Is that judging from his appearance or from his voice?"

A. "From his voice".

It was not disputed that Mr. Hauratty pronounced "th" as "f"—a not uncommon habit among Cockneys.

21. The man took their watches and money from them although he subsequently gave the watches back to Miss Storie.

22. At one stage the man said he would put Mr. Gregsten in the boot and they got out of the car. Miss Storie could not see his face as he had something tied over his nose and mouth. In the result Mr. Gregsten was not put in the boot.

23. Some time after 11.0 p.m., on the instructions of the man they drove off and went through Slough. In Slough Miss Storie noticed it was 11.45 p.m.

24. Near London Airport they stopped at a Regent Garage. They obtained 2 gallons of petrol which cost 9.9d. It was paid for with a note and there was a 3d. piece with the change.

25. They drove on. From about Hayes the man gave directions. At one point in the Harrow area the man said:

"Be careful: round the corner there are some roadworks".

Round the corner there were in fact some roadworks. He added

"I do not know this area"

but Miss Storie said he seemed to know it. Mr Hanratty's family lived at Kingsbury which is in that area

26. There came a time when he began to say that he was feeling tired and "wanted a kip". He used that phrase several times. They turned off the main road a couple of times on his directions, the man saying he wanted to do so to have "a kip".

27. Finally they, again on his directions, drove into the lay by or slip road on the A6 and the car was turned round so that it faced Luton. All the lights were turned out

28. The man said

"I want to kip"

"First I must tie you up".

He tied up Miss Stone but could not find anything to tie up Mr Gregsten.

29. In the front of the car was a duffle bag. He said to Mr Gregsten

"Give me that bag up"

Mr Gregsten picked up the bag with both hands, turned towards the interior of the car and as the bag was just about to go over the back of the seat, the man fired two shots in very quick succession at Mr Gregsten's head. Miss Stone screamed and said

"You shot him you bastard. Why did you do that?"

His reply was

"He frightened me. He moved too quick. I got frightened"

Miss Storie tried to persuade him to get Mr Gregsten to a doctor and on two occasions he said

"Be quiet will you. I am finking"

30. After further conversation he asked her to kiss him. She refused. At this time they were facing each other and while in that position a car came from the direction of Luton lighting up the man's face. This was Miss Storie's first (and only) opportunity of 'really seeing what he looked like'. Her evidence at the trial was

"He had very large pale blue staring icy eyes . . ."

Mr Justice Gorman "very large pale blue staring icy eyes"

Miss Storie "Staring icy eyes. He seemed to have got a pale face as I should imagine anyone would have having just shot someone. He had got brown hair combed back with no parting. The light was only on his face for a few seconds as the vehicle went past and then we were in complete darkness again"

She was wearing her spectacles at the time.

11 By threatening her with the gun he made her get into the back seat. He was wearing black gloves. He seemed to have difficulty in getting them off and made her pull them off them. Of course she could feel that they were of a very different type latex and he then raped her.

12 When she tried to persuade him to go he again said "He quiet will you I am thinking"

On the shorthand note the word is transcribed with the spelling but Miss Stone's evidence was that he could not pronounce the "t" and always said "th" instead of "th")

13 On the man's instructions Mr. Gregsten was removed from the car by Miss Stone who—with some assistance from the man—dragged him out of the car to the edge of the concrete slip where she laid him down. The man asked her to start the car and show him where the gears were. She did and she also showed him how the lights worked. She left the car running and stopped. She restarted it and again showed him how the gears worked. He got in the car and she went over and sat down on the ground beside Mr. Gregsten. The man then got out and went over to her. He threatened to hit her and she gave him a pound and asked him to go. He started to walk away and when about 8 ft. 0 ft. away suddenly turned round and started to shoot. Miss Stone felt one bullet hit her when the second bullet hit her she fell over and was hit by 2 or 3 more bullets while lying on the ground. She heard a sucking sound as if he was reloading a gun, and then he fired at her 3 shots when she thought did not hit her (she was in fact hit by 5 bullets and was paralysed). He came over and touched her. He then drove off in the direction of station. With her right hand she tried to gather up some stones and make the words "blue eyes" and "brown hair".

14 Miss Stone said that Mr. Gregsten was shot at about 2.0.21 a.m. and the man left about 3.0 a.m.

15 After he had shot Mr. Gregsten he asked Miss Stone again what her name was and she asked him his name. He thought and said

"Call me Jim"

16 In evidence she said he was about her height or just a little taller. Her height was 5 ft. 3 1/2 in. She was wearing flat shoes.

17 She was found some hours later and gave a description of the man.

18 Miss Stone attended two union parades, the first on 24th September 1961 when Mr. Harratty was not present. She picked out a person who apparently did not resemble him. No one spoke on that occasion. The second parade was on 14th October when after consultation at her request had said on two separate occasions "By quiet will you I am thinking", she picked out Mr. Harratty. At the time she said she had no doubt that Mr. Harratty was the man who shot Mr. Gregsten and her.

19 The Morris Minor had a number of distinctive marks on its rear. At about 7.0 a.m. on 23rd August the Morris Minor was being driven along

Eastern Avenue in the direction of Gants Hill. As a result of the way it was being driven a Mr. Sefton who was driving his car to work passed on to the Morris when they were almost stationary at a road junction to give to the driver a piece of his mind. At an Identification Parade held on 13th October 1961 he identified the driver as Mr. Hanratty. However his passenger a Mr. B. Khan attended two parades, one on the 2nd September at which Mr. Hanratty was not present when he picked someone out the driver on 13th October when he picked out someone other than Mr. Hanratty.

40. A little later in the morning of 23rd August Mr. Sefton was drawn to a Morris Minor being driven rather badly. It was on Eastern Avenue (Crescent) where the Morris Minor was found by the police. He identified Mr. Hanratty on 13th October parade as the driver.

41. On the 24th August 1961 shortly before 9.0 p.m. the murder weapon a .38 Enfield revolver was found fully loaded together with 5 boxes of ammunition underneath the back seat of a 36A bus at the garage at Rye Lane.

42. Mr. Hanratty was friendly with Mr. Charles Frederick France known as "Doc" and visited the France home in Boundary Road, London N.W.4 where Mr. France lived with his wife and children. One being a daughter Carol then aged 16. On an occasion prior to the 21st August 1961 Mr. Hanratty was discussing his business activities with Mr. France and referred to the space under the back seat as a receptacle. Mr. Hanratty's own account was that when they were sitting in the back seat of a bus he said that if he had a large amount of street jewelry in his pocket he used to sort it out upstairs on the bus, put the good stuff in his pocket and put the rest under the back seat.

43. On the 11th September 1961 two cartridge cases were found on a chair in a basement room No. 24 at the Vienna Hotel, South and Avenue, Madia Vale. It was later established that they had been fired from the murder weapon. They became of great importance in the case (and subsequently) because both Mr. Hanratty and Mr. Peter Louis Aphon stayed in the Hotel. Mr. Hanratty spent the night of 21st and 22nd August 1961 in room No. 24 under the name of J. Ryan. Mr. Aphon spent the night of 22nd and 23rd August 1961 at the Hotel under the name of F. Durrant. It was from Mr. Aphon stayed and the times of his arrival were and are matters of controversy. Three statements were made about Mr. Aphon's stay by a Mr. Nauds a man with a very bad criminal record. Mr. Nauds and the lady he lived with (who for convenience will be referred to as his wife or Mrs. Nauds though in the case she was sometimes referred to as Mrs. Steel or Mrs. Cuckoo) worked at the Hotel. On 15th September 1961 they both made statements to the police which absolved Mr. Aphon of a complete alibi. However on the 21st and 22nd September each made a second statement which did not support any possible alibi for Mr. Aphon but strongly suggested that he had spent some time in Room No. 24 between 22nd and 23rd August 1961.

44. On or about the 22nd September 1961 the police put out a publicised call for Mr. Aphon as a result of which he came in voluntarily on 23rd September when he was interviewed by Detective Superintendent Basil Acott who was in charge of the murder enquiry.

51 On the 18th August 1961 Mr. Hanratty picked up a dark suit with a stripe which he had purchased from Hepworths (hereinafter referred to as the Hepworth suit). He said he wore it the whole of the following week. He was a man who was careful about his clothes and dressed well. I have been furnished with the trousers of this suit. It is not easy to describe the material. It consists of parallel stripes each about a quarter inch wide. Both have a herringbone pattern one being very dark, almost black, and the other grey. The "stripe" is quite distinctive.

52 Evidence was called by the Prosecution that he was at the France's house on Sunday 20th August and again on Monday 21st August when he left at about 7 p.m. Miss France in particular was able to speak to the date with a special degree of certainty as she had a tooth out on 21st August. He told the France's he was going to Liverpool to visit an aunt.

53 He arrived at the Vienna Hotel at between 1.30 p.m. and midnight on 21st August and stayed there that night in Room No. 24.

54 He was apparently in Liverpool on Thursday 24th August 1961. An overnight telegram was despatched by telephone at 8.40 p.m. to Mr. France which read:

"Having a nice time. Be home early Friday morning for business. Yours sincerely J.M."

The sender was given as, "Mr. P. Ryan, Imperial Hotel, Russell Square, London". He said he returned to London early Friday morning and went to see the France's. They said this visit was on the Saturday the 26th August.

55 He subsequently went to Ireland.

56 There was evidence that he was still wearing the Hepworth suit at the end of September 1961. By the beginning of October 1961, he was no longer wearing the jacket of that suit but was still wearing the trousers and waistcoat with a black jacket.

57 At the beginning of October 1961, Mr. Hanratty broke into 2 houses in the Sannmore area. From one he stole a black jacket. He stated that he did this because he damaged the Hepworth jacket in the course of one of these episodes and that he disposed of that jacket in a nearby recreation ground. The Hepworth jacket was never found.

58 On the 5th October 1961 Mr. Hanratty spoke to Mr. France on the telephone and said the police wanted him in connection with the AB murder.

59 On the 6th October he telephoned Scotland Yard and on two occasions spoke to Mr. Acott. On the 7th October he again spoke to Mr. Acott, this time from Liverpool. There was a dispute as to what occurred in these telephone conversations. Mr. Hanratty's version supported his explanation for the fact that the original alibi given to the police was a lie namely that it was in effect made up "on the spur of the moment". Mr. Acott's account negated this.

(u) On 11th October Mr. Hanna was arrested in Blackpool and after he was interviewed by Mr. Aschford, James was taken to the police station. Mr. O'Connell was interviewed and it was ascertained that he was in the area at the time of the incident. In the afternoon

- (a) According to the Officers—but denied by Mr. Hanrahan, on two occasions he said he was going to "kip"
- (b) Mr. Hanrahan admitted he told Mr. Aco + that, after coming out of prison in March 1934, he had enquired of a man called Foster about "arm". He also admitted in evidence that he wanted to be "a cock up man" & that he knew where one of a pair of trousers was sold one night in 1934, he never owned a gun and that the whole thing was just talk.
- (c) He admitted that when Mr. Aco + told him about the 3 letters found in the cream in the Grenada House, he asked what size the bullets were.
- (d) According to the Officers he told them that the telegram was sent on the Thursday in 1934, Aco + did not deny this but said he had never been in Liverpool. The evidence was that he had told the Officers at the first interrogation that the telegram was sent on the Thursday; but that subsequently Mr. Aco + said to him,

"We have enquired about his telegram Johnnie. You said to me it was Tuesday. It was not you know."

Mr. Harratty said that he then replied

You have misunderstood me Mr. Acort I said Thursday

61 On 4 October after the assassination of Alex Stange he was formally charged with the murder.

[illegible]

63 After a full commitment which lasted some 8 working days, the trial moved to Federal Assizes before Mr. Trenchard and a jury on 17th January 1962. In addition to the evidence of the matters I have already reported, the prosecutor called Mr. Roy William Landale who claimed

that Mr. Hanratty confessed to him when they became friendly in the Hospital Block at Brixton Prison between 5th and 22nd November 1961. This confession was totally denied. To every other person Mr. Hanratty protested his innocence from first to last.

64. Mr. Hanratty himself gave evidence and described the house in which he had stayed at Rhyll. The only person called by the Defence in direct support of the "Rhyll Alibi" was Mrs. Grace Jones who ran a bed and breakfast house at "Ingledene", 19 Kennel Street, Rhyll. In general the description of her house tallied with that which Mr. Hanratty had given. Her evidence will be considered in detail in Section VII C. In effect she claimed that a young man stayed at her house for two nights on the 22nd and 23rd August 1961 and she believed that it was Mr. Hanratty. She thought he stayed in Room No. 4. She was an unsatisfactory witness. The Prosecution called 3 witnesses in rebuttal who undoubtedly stayed in the house on the relevant nights, one of whom in fact stayed in Room No. 4 on the nights of the 21st, 22nd and 23rd August 1961.

65. The Defence also called

- (a) Mrs. Olive Dinwoodie who gave evidence that a man resembling Mr. Hanratty did call at the sweet shop in Scott and Road, Liverpool (which she was temporarily in charge of) in the afternoon and asked for Tarleton Road but she was sure that the incident occurred on Monday 21st August 1961. (The Prosecution had called a Mr. Harding to support their content on that the 21st August was the correct date).
- (b) Mr. David Kempt gave evidence as to the conversation about the watch but was unable to identify the man and could not place the date more accurately than between June and September 1961.

66. The trial was conducted with great skill and thoroughness by both sides. The Judge maintained the balance with conspicuous fairness. Indeed it may be said that if anything, he leaned towards the Defence. The summing up (which like all other aspects of the case was subjected to most careful scrutiny in the detailed Grounds of Appeal) was described by the Lord Chief Justice, Lord Parker, in dismissing the Appeal:

"It is enough to say that in the judgment the summing up was clear. It was impartial, it was not only fair but favourable to the prisoner and contained no misdirections of law and no misdirections in fact on any of the important issues in the case."

67. It is perhaps of some importance to observe how clearly and strongly the Learned Judge put to the jury the burden of proof which the Prosecution had to discharge.

"If there are two versions of a fact—in other words if there is a conflict of fact or on fact and you are not sure which is the true version, and one version is in favour of the Prosecution and the other version is in favour of the Defence but you are not sure which is the true one—then, members of the jury, because the burden of proof is upon the Crown, you decide in favour of that version which is in favour of the Defence and not in

favour of the Crown. You appreciate that, because it is, as it were, a lodestone that might help to guide you through the maze of evidence which you have here in this case.

He repeated this at a later stage and finally underlined the importance of this approach in the directions he gave to the jury at their request when they returned after some 6 hours to ask for further assistance on the measure of proof required and how they should deal with the circumstantial evidence.

68. It is clear from the course of the trial that the jury considered and examined the case with very great care, as indeed one would expect where the life of a young man was at stake, before reaching their unanimous verdict.

69. The Criminal Appeal in dismissing the Appeal described it as "a clear case."

70. Very few representations were made to the Home Secretary by the solicitors, Counsel and others and he was furnished with the statements of persons who had not been called by the Defence relating to the "Rhyd Aubi" and other matters. He was not prepared to reprieve Mr. Manrady who was executed on 4th April 1962.

III

SUMMARY OF THE PROSECUTION AND DEFENCE CASES

71 Before proceeding to consider specific issues it may be of assistance to set out in summary form the main features of the respective cases of the Prosecution and Defence as they emerged in the course of the trial

A. The Prosecution

72. The 3 facial identifications by Miss Storie, Mr Skillett and Mr Trower

73 Other identificatory evidence by Miss Storie such as dress, accent, voice, pronunciation, language, including the use of the word "kip", the various things the man said about himself, especially that he had 'done the lot'—and his considerable experience of and familiarity with the penal system

74. The Police evidence as to the word "kip"

75. Familiarity with the roadworks of the Harrow area

76 The consistency of the description of Mr Hanratty's driving given by witnesses who had seen him drive with the driving described by Mr Skillett, Mr Blackhall and Mr Trower

77 The presence of the two cartridge cases in Room No. 24 at the Vienna Hotel occupied by Mr Hanratty on 21st August 1961

78 The inference that these were not among the 3 spent cartridge cases remaining in the gun after the murderer left the scene

79 Mr Hanratty's quest on to Mr Acott as to the size of the jackets found.

80. The place where the gun was discovered linked with the admission by Mr Hanratty that he had used the space under the back seat of a bus as a receptacle for things he wanted to get rid of

81 The statements to Mr. Langdale.

82 The admissions of Mr Hanratty as to his enquiries for a gun and his desire to be a "stick up man"

83 The retinting of his hair on 3rd October 1961 when he was wanted by the police

84. The lies about the stay in Liverpool with the 3 men.

85 The implausibility of the explanation for this lie and for persisting in it particularly in the light of Mr Acott's account of the telephone conversations of the 6th and 7th October 1961

86. The implausibility of the reason for going to Liverpool and for abandoning the search for Mr. A.

87 The powerful evidence that the sweet shop incident occurred on Monday the 21st and not Tuesday the 22nd August 1961

88 The implausibility of the reason given for the telegram sent on the 20th August 1961 and the inference that this was an attempt to provide or bolster up a false alibi

89 The implausibility of the reason for the visit to Royal Corp Ltd with the failure to find the man in Row

90 The failure to take any steps between the 7th and 11th October 1961 when Mr Harratty was at the Liverpool area to find the easily identifiable boarding house of Mrs. Jones

91 The unsatisfactory and unreliable nature of Mrs Jones's evidence

92 The evidence of the persons who did stay at Mrs Jones's house which virtually excluded Mr Harratty on the relevant date

93 The fact that Mr Harratty put forward two stories, one of which was admittedly false and the other which the jury partly rejected

B. The Defence

Facial Identification

94 (a) Each sighting was for a very short time

(b) Miss Stone's facial identification was weakened by her previous identification of the 24th September and by other aspects of her description and evidence

(c) Mr Blackhall (Mr Sallett's passenger) picked out another man on 13th October having already picked out a man on the 23rd September 1961

(d) Mr Towers's evidence was unsatisfactory and was contradicted by Mr Hogan called for the Defence

(e) Mr. Allrons did not identify Mr Harratty

95 The mispronunciation of "in" is quite common among Londoners

96 While some of the things said by Mr Harratty were consistent with Mr Harratty's personal story, others were not

97 The evidence of the Police Officers was challenged in a number of respects particularly as to Mr Harratty's use of the word "in" as to when and how Liverpool and the 3 men were mentioned and as to the conversation about the telegram

98 That Miss Stone's description of the murderer's knowledge in cars and how to drive them was inconsistent with Mr Harratty's experience and driving ability

99 That the Nadds were or may have been telling the truth in their second statements and that accordingly Room No. 24 was or may have been occupied by other persons (includes an Indian gentleman on 10th August) between 2nd August and 11th September 1961

100 That it is unlikely that a murderer would have fired two bullets before the murder and then dropped or left the two spent cartridge cases in the Vienna Hotel and that can be proved that these two cases came to be there after the murder

101 That the use of the paper bag and the black seal of the bus as a receptacle is not uncommon

102 Mr Langdon that his was evidence from a suspect source was contradicted by the evidence of two other fellow prisoners as to who Mr Hanratty extracted and was friendly with was inconsistent with certain known facts and was inconsistent with Mr Hanratty's constant reiteration of his innocence

103 That he admits that Mr Hanratty regarding the gun and becoming a "stick up" man were just talk.

104 That the original lies about Liverpool and the 3 men occurred on the spur of the moment when Mr Hanratty could not remember the details of the Rhineland boarding house and he foolishly persisted in them because he was afraid of the consequences of changing his story

105 That he was the man in the sweet shop incident

106 That this could only have occurred on the Monday the 21st or Tuesday the 22nd August and that as there was evidence both from Prosecution and Defence—that he was in London on the Monday it could only have happened on Tuesday 22nd August 1961

107 That the conversation regarding the watch in Liverpool was confirmed by Mr Kemp

108 That Mr Hanratty correctly described Mrs Jones' boarding house

109 That he had previously met Terry Evans and did try and find him in Rye

110 That despite her confused and inconsistent evidence Mrs. Jones was telling the truth when she said that Mr Hanratty stayed at her house that week on the 22nd and 23rd August

111 That there was no scientific evidence to connect him with the murder

112 That the whole incident was out of character for as Mr Hanratty was concerned

IV

SUMMARY OF OTHER RELEVANT MATERIAL AND CONTENTIONS

1.3 There is a considerable body of evidence which was not put before the jury. Some of it was available to the Prosecution or to the Defence at the time but was not used. The rest was not available during the trial itself. Certain of this latter material did become available to the Defence shortly after the trial ended - mostly relating to the "Rhyl Amb" - and the Defence could have made application to the Court of Criminal Appeal to call this as fresh evidence on the hearing of the Appeal. No such application was made and there was no reference to this material on the hearing of the Appeal. It was sent with other material to the Home Secretary in support of the Petition for a reprieve.

4 The verdict of the jury has been challenged both on the basis that the material before them did not warrant the finding of guilty and on the basis that the material which was not before them establishes Mr Hanratty's innocence or at the very least raises such a doubt as to his guilt that the verdict should not stand.

1.5 Many different points and contentions have been raised but interest has centred particularly round 3 matters:

(a) Miss Storey's evidence and identification

b. Additional material which is said to support the "Rhyl Amb"

The alleged role of Mr Peter Louis Alphon

1.6 I shall not confine my attention to these 3 matters but will deal with all aspects which I feel can assist in arriving at a proper conclusion.

1.7 The additional material is not evidence in the ordinary sense of the term. It consists of written statements given by persons to the Police and to other persons. None of it is on oath. None of it has been tested by the normal process of cross-examination. Of course this does not mean that it is not of the utmost importance to this enquiry. There are two classes of statements which were taken in circumstances which require to be mentioned, namely those taken in 1967 for the purpose of Detective Chief Superintendent Douglas Nimmo's investigation. In January 1967 you appointed Mr Nimmo of the Manchester City Police to conduct an investigation into the "Rhyl Amb". He interviewed a large number of witnesses and took statements from them. He was accompanied and assisted by Detective Chief Inspector Peter Charles Horan of the Manchester CID. In general the statements were taken down by Mr Horan, witnessed by Mr Nimmo, read over to or by the makers and signed by them except in one or two instances where they were taken down by other Police Officers. On 8th July 1967 Mr Nimmo and Mr Horan re-interviewed four ladies who had made statements in February 1967. Mrs Grace Jones (her daughter Mrs Brenda Harris), Mrs Margaret Walker and Mrs Ivy Vincent. Present at each such interview were John George, Esq., J.P. Bernard Berks on Esq., solicitor, instructed by Lord Russell of Liverpool to attend on his behalf and the lady's solicitor - in the case of Mrs Jones, Mrs Harris

and Mrs Walker Hugh C. Jones Esq., and in the case of Mrs. Vincent, J B Scowcroft Esq. The interviews were recorded verbatim by Det Chief Inspector Horan. Each witness read and signed the record as correct and each record was signed by Mr George, Mr Berkson and the respective solicitor as correct. Each lady was given a full opportunity to comment on the way the previous interviews had been conducted. Each made it quite clear that she had no complaint to make and that the previous interview was conducted in the same manner as the one on 18th July 1967.

118. In making my assessment I have considered all relevant material which has any probative value irrespective of whether it was available to or could have been used by either side at the trial. I have endeavoured to evaluate both its inherent probability and reliability and its weight as seen in the context of the case as a whole.

THE IDENTIFICATIONS

3 In considering this aspect of the case two matters should be borne in mind:

- a) People's ability to describe a person they have seen is often a good deal less than their ability to recognise his face when they see it again.
- b) The ability to recognise varies greatly from person to person. In every case it must, of course, be affected by all the surrounding circumstances, but quite apart from that people's powers of observation differ considerably.

120. *Miss Stone* Three main points are now taken in relation to her identification and to her credibility as a witness. It is suggested:—

- (a) that she changed her description of the colour of the man's eyes from brown to blue;
- (b) that her description of the colour of his hair altered and that in general her description of the man's hair did not fit Mr. Lauriat's hair;
- (c) that the statement she made to the Police which was not before the Jury differs in a number of respects from her evidence.

121. Before dealing with these three matters it is necessary to state the circumstances in which her "first statement" came to be made. Miss Stone was removed to hospital a little after 7 a.m. Despite her very serious injuries she was conscious. She was seen by Detective Sergeant Doug as Richard Rees and William Detective Constable Owen in Mary Kent and now Mrs. Woodin reached 3.45 p.m. August. The Mr. Rees described her as "conscious but obviously distressed and in pain. At 4.35 p.m. he and Miss Woodin went back into the Ward and from then until about 3.40 p.m. they had four interviews with her lasting about 30 minutes each. Mr. Rees's description of her at 4.35 p.m. was that she was obviously very At the end of his statement he commented that she was able to speak rationally throughout. Notes were made of his conversation with a view to it being handed to Det. Chief Inspector Harold John White and Woman Inspector Maude Davidson Arnott who then took over Mr. Rees and Mrs. Woodin both made statements as to what occurred at these interviews. Mrs. Woodin also made a statement in 1974. Mr. Bindman has sent me a copy and it states that Miss Stone had blood transfusions and then goes on to say:

"Valerie Stone thought she was dying and wanted us to take down a full declaration. She was adamant that she would not withdraw.

This information given to Mr. Rees and Mrs. Woodin therefore represents Miss Stone's first detailed account and is the "first statement" referred to in paragraph 120. In the course of it she gave a description of the man. The notes were not signed by her. It would appear that they were not read over to her. The account Miss Stone gave to Mr. Whitin on 24th and 25th August was written down by W. T. Arnott and was signed by Miss Stone. I shall call it the "second statement".

122 *The colour of the eyes The Hair* It will be convenient to deal with these together as the descriptions cover both. The suggestion is that initially Miss Stone described the eyes as brown and that she subsequently altered this to blue. It is also suggested that this change occurred after Mrs. Gregsten's assertion that she saw a man on the 31st August 1961 whom she believed to be the murderer and to have spoken to Miss Stone about this incident (an allegation which Mrs. Gregsten has denied). The basic suggestion is founded on the fact that a very early police description gave the eyes as brown and as a result a large number of newspaper reports described his eyes as brown. It was not until some days later that the police and press descriptions changed to blue eyes.

123 It is obviously important to examine the descriptions given by Miss Stone and I propose to set them out in detail.

124 The first appears to have been given to Mr. John McInae, Bryan Leslie Kerr, a student who came to the scene shortly after Miss Stone and Mr. Gregsten were discovered. Miss Stone was not able to identify the person she spoke to save that he put a leather jacket over her, but gave evidence that

"I said he had large blue staring eyes and brown hair. I said I thought he was in his twenties and I said he drove off towards Luton."

125 Mr. Kerr's evidence was that he covered her with his leather jacket and that they had some conversation in the course of which she gave a description of the man who shot them. Mr. Kerr made a note of the description but that note unfortunately disappeared and was never found. On the 23rd August 1961 he made a statement to the police based on this note, and said that Miss Stone's description was as follows:

"He had had big staring eyes fairish brown hair, slightly taller than I am, and I am 5 ft. 3½ in."

Mr. Kerr in his evidence said she told him the man had 'large staring eyes and light fairish hair'. She denied saying to Mr. Kerr that the man had "light fair hair" she said she used the words "brown hair". If Miss Stone's account was correct she described the eyes as blue on that first occasion. If Mr. Kerr's version is more accurate no eye colour was mentioned.

126 In the course of her interviews with Mr. Rees and Miss Riddand Miss Stone said:

"I think I would be able to identify him in fact I am sure I would."

She then gave this description:

"Voice" young, could not pronounce 'th'.

He also got his words muddled

Hair straight well greased dark brown, brushed straight back slightly receding at temples.

Face squarish, just broader at the forehead, which is smooth, than at the chin.

Complexion pale.

Eyes not deep set but face level

Nose. straight

Height. 5ft. 4 in

Dress dark suit, very smart.

Age: 30 years, English"

127 The next description was given to Mr James Mackie an Inspector in the Metropolitan Police Force whose particular work was the construction of Identikit pictures. These are made up of different features selected by the witness, each of which has a code number. He retired some 7 years ago but recently in August 1974 some of his notes were discovered. These included the notes of his interviews with Miss Storie for the Identikit picture which she provided and which was one of the two issued. The other was constructed from information given by other witnesses. He saw Miss Storie on 26th August 1974 and made these notes. He had to have several interviews with her. The relevant parts are as follows

1st page. "Man 25, 30 yrs, approx.
ht. 5 ft 6 in maybe less
eyes blue, deep set
long point face
brownish hair
3 p.m. off and on 7.0 p.m.
30 yrs. ht 5 ft. 6 in

2nd page HAIR LINE. smooth brushed straight back,
slightly receding
not absolutely sure
brownish colour.

3rd page NOSE straight, fairly slender

4th page EYES—large blue eyes not sunken flush with face

7th page EYEBROWS normal

9th page (Code numbers)
H85 — 1
C20
L 9 + 1
N 3 + 1
D72 — 1
E49"

128 A point has been made in an article in the Sunday Times on 10th December 1973 based on the views of Mr Hugh C McDonald an American officer who apparently not only invented the Identikit system but also helped train British Officers to use it. I have been furnished with a copy of Mr McDonald's statement and reconstructions he has made. His view was that the Identikit picture indicated that E 49 had been used for the eyes—that is the code for very dark eyes and that if the eyes had been light a different code would have been used and a different picture would have resulted. As to whether Mr Mackie did use E 49, I am not in a position to say whether he used the correct code or produced the correct picture. Nor does it matter so far as Miss Storie is concerned. The essential thing is her description of the colour of the eyes and this was clearly "blue".

129 Finally on the 28th August 1966 Miss Store made a further written statement to Mr Whiffin and W I Arncliffe describing a man

aged between 25 and 30 years about 5 ft 6 in in height, could be slightly less, proportionate build inclined to be slender, his brown hair he was clean shaven, his face very smooth, pale, ice white, blue large saucer like eyes. The eyes were not saucer like and appeared to be deep with a blue shade. When speaking says 'fines' instead of 'things' and is believed to have a London accent. He was wearing a dark lounge suit, and was clean and immaculate in appearance"

130 The first two police descriptions were issued at 8.45 a.m. and 10.50 a.m. respectively on 28th August 1966. The latter was the colour of the eyes (or hair) mentioned. The age was given as about 25, the eyes as "big things" and "things" were altered to "fines" the latter it is said that it is alleged that the suspect gave a name of Brown. This appears to have emanated from a statement made by Mr Pigeon who saw Miss Store at the way and said that when he asked her who did it she replied "Brown" he's taken our car. At the end of her written statement to Mr Whiffin she said

"I do not recall ever saying to anyone the name 'Brown'. I may have said the man had brown hair."

The first National Communications in the same terms occurred between 11.30 a.m. and 1.30 p.m. The descriptions refer to the man being smartly dressed in a black or dark grey suit. At 4.15 p.m. a further local message was circulated by Det Sgt Barron with a description which included "about 30 years", "dark brown hair" and "brown eyes". It has not been possible to discover where Mr Barron obtained the description "brown eyes" and he is now dead. The brown eyes description was carried in the newspapers. The corrected description was not issued by the Bedfordshire police until 30th August. It was

"Age 25-30 years about 5 ft 6 in proportionate build dark brown hair clean shaven pale smooth face ice blue large saucer like eyes believed East London accent when speaking says 'fines' instead of 'things' wearing dark lounge suit clean and immaculate appearance"

131 No attempt was made at the Trial to suggest to Miss Store that she had changed her description of the man's eyes from brown to blue. The Defence was aware that a description containing the words "brown eyes" had been circulated and indeed asked Mr Skelton about this. The inference would seem to be that the information at their disposal did not make it possible to challenge Miss Store on this score.

132 The only other matter I should mention at this stage is that Miss Store in cross examination at the trial was prepared to accept that her description of the hair was "medium brown" despite "not dark brown".

Miss Store's "first statement"

133 Mr Bodman in his written submissions has made thirteen points of comparison. Most concern differences between this and her subsequent account of events. Many of these are minor matters, in some cases relating to

evidence given by her which was not referred to in the statement. In addition Mr. Bidman has drawn attention to certain aspects which he suggests indicate that Mr. Hanratty was not the murderer. I have given careful consideration to all these points and where necessary shall refer to them. At this stage I will, I think, suffice if I mention five of them.

- (a) The witness did not mention the colour of the man's eyes. I do not regard this as surprising in the circumstances.
- (b) The witness's description of the hair did not fit that of Mr. Hanratty. Among other things it was said that Mr. Hanratty did not use grease on his hair. I have seen photographs of Mr. Hanratty but it is difficult from these to assess the importance of these matters. My impression from the photographs is that one could reasonably describe the hair as straight and brushed back. The precise colour of Mr. Hanratty's hair on the 22nd August 1961 is not clear. The black hat had undoubtedly faded by the 26th August. The photograph, Exhibit 15, gives me the impression that the hair is greasy. The effect of artificial light on the precise colour and sheen of a person's hair in such circumstances is uncertain and might well result in different descriptions.
- (c) Age. This would be very difficult to judge. Her other descriptions are 25 to 30 years of age. She said the voice was young.
- (d) In the first statement she said "I did have a good look at him when I was in the back of the car when I was trying to soften him up. I think I would be able to identify him. In fact I am sure I would."

She then said that she had never seen the man before and gave a description of him. She did not mention seeing him from the front of the car or seeing him in the headlights. As one would expect from Miss Store's condition at the time and the appalling experience she had undergone the "first statement" did not follow a logical or chronological order. Prior to making the remarks quoted above she had been talking about the way in which Mr. Gregson was shot, the man's voice, the roadworks, and the man's nervousness. In the "second statement" no description of the man was given and the headlights were not mentioned. In that statement Miss Store did not state specifically where she was when she saw the man. The first mention of the headlights was at an interview between Mr. Acott and Miss Store on 1st September 1961 at Guys Hospital. In the early part of that interview she said

"My memory of this man's face is fading."

She was shown photographs (not of Mr. Hanratty or Mr. Alphonse). She did not pick out any of these as being the man. In the case of one photograph she said it was like him. The reference to the headlights occurred in this way ("As Mr. Acott: "Was Miss Store,

"V. I seem to remember his lips were thin."

A. By feel or by what you saw?"

V. Both I think. I seem to remember when the headlights were on him his lips were thin.

A. What headlights, during this sequence?

V. Well the point is, the only time I saw him to get a look at him was after he'd shot Mike when he was sitting in the back seat of the car, and I was still in the front when he pulled me round to face him, and a car came from behind me as it were and lit up his face. I can remember seeing him. His face staring through me. I remember these big blue staring eyes, and he didn't seem conscious of the fact that this car was lighting up his face. He didn't try and hide or anything.

A. And that was the only time you saw him?

V. That was the only time. All the other times I was facing forward or it was dark and I couldn't see."

Miss Storie's description of this was quite spontaneous and her evidence was in substantially the same terms. Whatever were the precise time and circumstances in which Miss Storie saw the man, there is no doubt that she was firmly convinced that she had seen him sufficiently clearly to be able to recognise him and to give a description of him. There does not appear to be any element of exaggeration in regard to her evidence generally and in particular in regard to this part of her evidence since she herself made it plain that she only had one opportunity of seeing him and then only for a few seconds. I think that her belief that she could recognise him must have been based upon a sighting in conditions of light such as would enable her to obtain a clear picture of his features.

(2) The word "k.p." is not used in the "first statement". In the "second statement" she said

"Several times along the A6 he said 'I want a k.p.'".

134. Finally certain further criticisms of Miss Storie's identifications were made at the trial where they were fully investigated. They are not in any sense new matter. Nevertheless in order to see the whole picture it is desirable to mention the two main points:

(a) The fact that she picked out another person on 24th September 1961. Her condition at that time was this: 2 bullets had been removed from her body on the 22nd September under a local anaesthetic. Dr. Rennie, under whose care she was, said she was

"very keyed up, very tense but not flustered and quite clear in her mind".

He added that he was quite satisfied that she was in a fit condition to go through with the parade. Mr. Acott thought she was not fit to attend the parade but he was anxious to deal with Mr. ApSimon who was then being kept in custody. Miss Storie could not describe the man she picked out. Dr. Rennie said he could not describe him clearly.

"As far as I can remember he had rather fairish hair and bluish eyes.

Mr. Acott said that the man was 5 ft 9 ins., dark, short cropped hair, about 27 years of age and heavily built. Whatever the precise description it seems clear that the man picked out did not really resemble

Mr. Harratty. Indeed Miss Stone agreed in cross examination that at some stage she mentioned to someone that there was a "fair resemblance" between Mr. Aphon and the man who had attacked her. She picked the man on the parade out after about five minutes. She did not ask anyone to speak on this occasion. She was not aware how she could do so.

- b. That on the parades which Mr. Harratty attended on 13th and 14th October he was at a disadvantage in two respects. First the colour of his hair. It was put by defending Counsel to Miss Stone in this way:

"His head of hair must have stood out like a cart of a bunch of bananas."

A. "That is right."

There had been publicity prior to the arrest of Mr. Harratty that the man seen a sought had dyed hair. Second that when she asked the men to speak and say "be quiet will you I am thinking" which she did, and which he was apparently the only one who pronounced "frits" as "frits". Miss Stone's evidence was that she had already identified Mr. Harratty as being the man before asking them to speak. But that time she wanted there to be no mistake. There was evidence before the jury that his type of pronunciation is quite common among Londoners. Mr. Harratty's solicitor was present at both of the parades on 13th Oct bet and 14th October 1961. On the first parade two of the men were ginger haired. On the second both of the men were ginger haired. Apparently Mr. Harratty did make some comment at the first parade about the fact that he was wearing a dark suit. Otherwise there do not appear to have been any objections taken or complaints made by Mr. Harratty or his solicitor about the conduct of the parades or the men who took part.

13. To summarise the position in relation to Miss Stone's identification.

- a. There is nothing to support the suggestion that she changed the colour of the eyes from brown to black. On the contrary from first to last she was always described the eyes as blue and did so to the police not later than 26th August.
- b. She appears to have consistently described the hair as brown. While her descriptions of the hair may not have fitted Mr. Harratty in all circumstances they must be viewed in the light of the circumstances in which she saw the man. Furthermore, an inaccurate description of the hair would not be inconsistent with the ability to make a correct facial identification.
- c. In certain respects her "first statement" is not entirely consistent with her subsequent evidence. It is by no means uncommon for the recollection of witnesses to vary from time to time. This often occurs even in favourable circumstances. When one considers the circumstances in which the "first statement" came to be made and the condition Miss Stone was in during the hours and days following such an experience, variations are perhaps hardly surprising.

and he had a very good view of the man's face. Mr. Sallett was interviewed by the police on 24th August 1961 and made a written statement about the incident. He was away when the Alphon identity parade took place and did not attend it. He picked out Mr. Hanratty on 13th October 1961 and said he had no doubt that this was the man.

137 *Mr. Blackmill*—Was present at both identity parades. He picked out a man on each occasion. He did not pick out Mr. Alphon or Mr. Hanratty.

138 *Mr. Trower*—He called for his friend Mr. Hogan on the morning in question as was his custom. He said that while waiting for Mr. Hogan he was standing near the kerb, close to his Humber car when he saw a Morris Minor approach which was being driven rather oddly. His attention was particularly drawn to it by the way in which the driver changed down making a noise like that of a racing car. It passed him and went round the corner into Avondale Crescent. He did not hear the engine and, therefore, presumed it had stopped. The Morris Minor was subsequently found in Avondale Crescent that evening. He had a view of the driver for about three seconds in all, including full face, side face and three-quarter turned away. When asked by the police the next day if he saw anything unusual, at first he remembered nothing. Later, after speaking to Mr. Hogan, he remembered the incident and went back to tell the police. He then made a written statement about the matter. He was present on 23rd September 1961 but made no identification. On 13th October 1961 he picked out Mr. Hanratty. Much later in the trial he was recalled because of the jury's request for more information about Mr. Trower's position when the Morris Minor passed him. It then transpired that he had been shown photographs by the police (not including Mr. Hanratty) and had picked out two of these as resembling the man. At this stage Mr. Hogan was called by the Defence and gave evidence which if correct threw doubt on certain aspects of Mr. Trower's account. On reading it one does not receive a very favourable impression of Mr. Hogan as a witness and he only made a statement about the matter a day or two before he was called. I am of course unable to say what effect this evidence may have had on the jury's evaluation of Mr. Trower. Mr. Trower said he had no doubt that Mr. Hanratty was the driver. All aspects of his evidence were fully explored before the jury including the fact that his opportunity of observing the driver was very limited.

139 *Mr. Hiron*—He made two statements to the police on 30th August 1961. He was the garage attendant at whose garage a Morris Minor stopped for petrol about a week previously. He said that a man got out of the rear seat and bought two gallons of petrol at about or past midnight. The man was excited and in a hurry. Mr. Hiron's recollection was that there was a man in the driving seat and a woman next to him. He described the man as between 32 and 38 years of age, about 5 ft 7½ in., heavy build with dark hair. He said he would be able to identify the man again. On 23rd September Mr. Hiron picked out a person—not Mr. Alphon. On 13th October 1961 he picked out a person—not Mr. Hanratty. If Mr. Hiron was speaking of the same incident his ability to describe and to observe would not appear to be very good. The description was substantially different from Miss Storie's and on two occasions he picked out people who had nothing to do with the matter.

Possibly the ~~examination~~ ~~test~~ of Miss S. and a ~~report~~ ~~of~~ ~~the~~ ~~test~~ ~~is~~ ~~made~~ ~~for~~
(though our evidence is not very clear on this point) she appears to have said
that Mr. Gregsten got out of the car and paid for the petrol. Mr. Gregster was
37 years of age.

VI

THE OTHER PROSECUTION EVIDENCE

14. I propose to refer only to certain aspects of the case.

Roy William Langdale

141. The man who had a number of previous convictions was arrested with his wife on 1st November 1966 when he and wife were charged with robbery of Post Office Savings Bank books. She was put on probation but he was remanded in custody. The case came on for trial to a higher Court for sentence. On or about the 4th or 5th November 1966 he was transferred to the Hospital Wing in Brixton Prison and remained there until his discharge on 27th November. His evidence was that at exercise time he and Mr. Harrissy used to go to exercise together and became very friendly. In the first few days Mr. Harrissy denied that he had anything to do with the A6 murder but after a time he opened up to Mr. Langdale and gave him a good many details about the murder and the other offences which amounted to a complete confession of his guilt. On the 22nd November 1966 Mr. Langdale went to Madingley Prison where his case was due to be heard. He was accompanied by Mr. Alfred William Fawell, a prison hospital officer who was on duty because of Mr. Langdale. Mr. Fawell had heard that Mr. Langdale was a special case, a prisoner who was a danger to himself and he was to watch Langdale. Mr. Langdale's case was adjourned that day. On the way back Mr. Fawell and Mr. Langdale being another prisoner about information which Mr. Harrissy was supposed to have given to him regarding the murder and rape. Mr. Fawell then referred the matter to the Prison Governor. Mr. Langdale returned to Sessions the next day and was put on probation for 12 months a result which surprised him as he did not expect it. On 5th November 1966 David and Mr. Langdale had to persuade him to come and see Mr. Asquith. He did so on 8th November and made a long statement which seemed to have no value because he thought it did not tally with his evidence in all respects.

142. The committal proceedings started on 22nd November 1966 and the evening papers carried reports of the Prosecution's opening of the A6 murder case. Mr. Langdale said he had not seen a paper on 22nd November. Mr. Fawell confirmed this and also gave evidence that the only visitors Mr. Langdale had were his wife and mother and that there was no discussion of the A6 murder during this visit.

143. Neither Mr. Langdale nor Mr. Fawell were allowed to give evidence at the trial. It is the conversation in the prison coach between Mr. Langdale and the other prisoner which this evidence would have been hearsay and therefore inadmissible. Hearsay evidence is not excluded because of its hearsay nature value but for other reasons such as the danger of manufactured evidence. For the purpose of this enquiry I feel that consideration should be given to the evidence in the case. I have seen the news of the trial in the newspapers and Mr. Fawell has told me that Mr. Langdale made a statement to the police on 8th November 1966. I was told that Mr. Fawell was on duty on 1st November 1966.

Mr. Lutwidge's recollection was that Mr. Langdale and Mr. Harratty walked with him when on exercise at Brixton and that he found that Mr. Langdale had a lot of conversation with the other prisoner in the coach and the gist of the conversation was this:

Mr. Harratty had told Mr. Langdale that he had shot the man and raped the girl whilst the dead man was still in the car, in the front. After raping the girl he had made her drag the dead man out of the front of the car on to the grass and lie down beside him. Mr. Harratty then shot the girl. Mr. Langdale said: "He must be mad as his sole conversation is sex".

This is substantially the same as Miss Stone's account save that she said she was sitting beside Mr. Gregsten when she was shot.

144 Mr. Harratty denied that he regularly exercised with Mr. Langdale or that he had made any kind of confession to him.

145 The Defence called two other persons, Mr. David Emery and Mr. Nicholas Blythe who were in the Brixton Prison Hospital at the material time. They said that Mr. Harratty did not exercise with Mr. Langdale and that, on the contrary, Mr. Harratty was on very friendly terms with Mr. Emery and regularly exercised with him. They had made statements in which they said that Mr. Harratty had always maintained his innocence. The Defence also had a statement from another fellow prisoner who saw Mr. Harratty frequently at Brixton in December 1961 and January 1962 and who said that Mr. Harratty maintained his innocence. It is to be noted that no other witness has suggested that Mr. Harratty confessed or admitted his guilt and he undoubtedly protested his innocence up until the time of his execution.

146 Three other matters arise in relation to Mr. Langdale's evidence.

- (a) First there is nothing to support the suggestion that there was any connection between the conversation in the coach and the favourable result which Mr. Langdale achieved at the Court on 23rd November 1961. The Defence had the transcript of that hearing but did not attempt to make much use of it in Mr. Harratty's trial. There was apparently a reference at the hearing on 23rd November 1961 to a Prison Commissioner's Report which talked about "some mental instability" but there is no doubt that this report must have been written before the 23rd November 1961. The fact that Mr. Langdale did not obtain any direct advantage on 23rd November 1961 does not preclude the possibility that he invented a story and related it in such a way that it would be heard by the officer hoping that it would be passed on to the authorities and stand him in good stead.
- (b) Secondly Mr. Langdale admitted that subsequently in about January 1962 he did obtain some money from newspapers in connection with this story.
- (c) Third there were inconsistencies between the recollections of Mr. Harratty of certain matters and what actually had taken place.

... Mr. Hanratty's point is that Miss Stone's belief is based on a statement that he has made. It may be that she is so certain of her recollection when she was under cross-examination that it would be surprising if she subsequently invented this word.

The Telegram

149 The inferences to be drawn from this also depend to a considerable extent on whether the officers' account or that of Mr. Hanratty is correct. The sending of the telegram was in itself a rather odd action and a satisfactory explanation was given for it. Mr. Hanratty said he was told before he paid for the telegram that it could not be delivered that night. His evidence was that he intended to catch the midnight train and then go to the Franceses, which meant that he might have arrived before the telegram. It conveyed nothing of any importance or urgency. He could have telephoned the Franceses. In my view it looks like a somewhat crude attempt to set up or support an alibi. This view is supported by Mr. Hanratty's answers in cross-examination. He agreed that when he refused to give Mr. Acott particulars of the '31 men' he said something to that effect:

I got something else which will prove my alibi

and Mr. Hanratty added that this was a reference to the telegram. I do not think that Mr. Acott 'misunderstood' Mr. Hanratty, on the contrary I think that Mr. Hanratty who gave a considerable amount of circumstantial detail about the sending of the telegram said that he had sent it on the Tuesday evening perhaps not realising that the police would be able to obtain a copy.

The Murderer's Past

150 Miss Stone gave evidence about a number of things which the man told them about himself and his past and present activities. She said that he can imitate himself and that is obviously correct. It is clear that some of the things he said to Mr. Cragston and Miss Stone were not in Mr. Hanratty and officers would not. The man had a considerable knowledge of the workings of the prison system and used abbreviations such as C.I. (corrective training) and P.D. (preventive detention) which would probably not mean much to the ordinary person. He said that he had 'done the lot'. Apparently in prison jargon this means that a man has served a whole sentence without remission - as in fact happened to Mr. Hanratty in his last sentence of corrective training. Whether Miss Stone understood it in this sense is beside the point. Evidence was given by the Prosecution that in the 5 years 1954-58 over 1,300 persons had been sentenced to 3 years corrective training and only 5 of these, including Mr. Hanratty, had served the full term. It is perhaps worth mentioning in passing that none of the information given by the man could apply to Mr. Alphon.

Roadworks

5) Mr. Hanratty's family lived in the Kew Gardens area and the route to his home was certainly indicated by roadworks which were carried out in outer suburbs.

Voice and Pronunciation

152 It is true that many cockneys pronounce the 'th' as an 'f' and the fact that this was Mr. Hanratty's normal way of speaking could not of itself be conclusive. Nevertheless, it was a factor to be taken into account in weighing the evidence. The jury had to consider—was this just a coincidence or did it support the picture the Prosecution was presenting? Evidence was given by Police Constable Terence John Watkins that when he was keeping observation on Mr. Hanratty at Redford Police Station on 13th October 1961 Mr. Hanratty on several occasions said:

'Be quiet. I have got a lot of 'finking' to do'

I cannot comment on the voice but the jury heard it for a number of hours

The Hepworth Suit Jacket

153 According to the evidence of Mr. Acott and Mr. Oxford in the course of the second interview at Blackpool on the 12th October 1961 the following occurred:

Mr. Acott: 'We have had enquiries made at Stanmore and surrounding districts and we are unable to find any record respecting the house breakings you mentioned nor to find any trace of your blue jacket.'

Mr. Hanratty: 'No Mr. Acott. That was a lie I told you. I destroyed the jacket'.

Mr. Hanratty denied that he ever said this. It subsequently transpired that his description of the breaking into two houses in this area on or about the 1st October 1961 and the stealing of a black jacket was correct, but the Hepworth jacket which he said he had abandoned in a recreation ground was not found. It is perhaps of some significance that evidence was given by the waitress who sold the suit to Mr. Hanratty that the labels from the trousers and waist coat had been removed.

The Cartridge cases

154 In his written submissions Mr. Bindman has drawn attention to the fact that altogether 9 bullets were recovered from the scene, the car and Miss Stone's body whereas a lesser number of cartridge cases were found. He suggests that 6 were discovered and that there could have been another one in the duffle bag in the car—making 7 in all and thus leaving two to be ejected at the Vienna Hotel. The evidence, however, clearly refers to only 6 cartridge cases and the Judge in the summing up refers to 6 although he mentions one being in the duffle bag. The duffle bag was not in fact in the car but was found on the body and the Judge appears to have made a mistake in suggesting that one was in the duffle bag. The evidence of Inspector Atchborrow was that 4 cases were close to the man, one under the garments covering Miss Stone and one in the vicinity of the duffle bag. Chief Inspector Oliver gave evidence that a *bullet* was found in the duffle bag. There are accordingly three cartridge cases unaccounted for. Fully loaded the gun would contain six bullets. When opened or 'broken' the cartridge cases would be automatically ejected a short distance. From Miss Stone's account and the number of bullets and cartridge cases found it seems clear that when the murderer left the scene there would have

been 3 spent cartridge cases in the gun. It is suggested the gun was "broken" at the Vienna Hotel after the murder and re-loaded. It was fully loaded with 6 live bullets when found on the bus) 3 cartridge cases would have fallen out. It is a most inconceivable that the murderer would have taken one away and left the other two.

155 This point was never taken at the trial nor so far as I am aware has it ever been raised before Mr. Bindman's submissions.

156. In my view it is not possible to reconcile the two cases found at the Vienna Hotel with the three left in the gun after the murder. If anything these facts tend to suggest that the two cartridge cases in the Vienna Hotel were placed or dropped there before the murder.

157 Coupled with this point is the evidence adduced by the Prosecution that Room No 24 was only occupied on one night between 21st, 22nd August and the 11th September 1961, namely by an Indian gentleman on 30th August 1961. This matter is related to the suggestion made at the trial, and subsequently, that Mr. Aphon occupied that room on 22nd/23rd August. It is more convenient to deal with this aspect in Section IX, paragraphs 353-365 where his alleged role is examined in more detail. At this stage it will be sufficient to say that in my view the evidence and in particular the Hotel's records do not support this suggestion.

THE ALIBI

A. Mr. HANRATTY'S ACCOUNT

158 Mr. Hanratty said that he left the Vienna Hotel at about 9.30 a.m. on the 22nd August 1961 intending to go to Liverpool. He walked to Paddington by mistake and then realising it was the wrong station took a taxi to Euston. He caught a train which left at around midday.

159 His object in going to Liverpool was to try and dispose of a diamond ring valued at about £30 and other stolen articles. He had not been able to get the right price for the ring in London. For this purpose he was going to see Mr. A with whom he had served a sentence. He had not seen this man for 4 or 4½ years. Mr. A was a grocer or a greengrocer. Mr. Hanratty only had an outline of the man's address - Carlton or Tarkenton Road or Street.

160 He arrived in Liverpool at about 4.30 p.m. had a wash and brush up, a cup of tea and left his suitcase in the left luggage with a man whose hand was deformed or withered. (The relevant train would have arrived at 4.43 p.m.)

161 After enquiring of members of the public for Carlton or Tarkenton Road Mr. Hanratty was directed to and boarded a bus. The conductor did not know the Road, so Mr. Hanratty got off and went into a sweet shop in Scotland Road where there was a woman behind the counter and a little girl. He asked the direction of Carlton Tarkenton Road and she told him he had to go back into town.

162 The original alibi given to the police and his legal advisers was that he stayed in Liverpool for the nights of 22nd and 23rd August 1961 at a flat in the Bull Ring with three men. There was also a woman and two children in the flat. In his proof of evidence he said that he got his case back from the left luggage at about 6.30 to 7.0 p.m. He persistently refused to name the men on the ground that they had criminal records but from time to time additional information was given about them and about the location of the flat. According to Mr. David Emery's statement to the Evidence Mr. Hanratty told him that he was in Liverpool on the night of the murder with three men and would call them "things" really for dodgy. The Defence had a statement from another fellow prisoner (who was not named) that he and Mr. Hanratty were in close contact in Brixton in December 1961 and January 1962. He said that Mr. Hanratty

"assured me that he was in Liverpool at the material time."

163 Eventually he gave names to his solicitors and both the police and the Defence interviewed a number of persons so named. In his proof he gave a considerable amount of circumstantial detail about a man whom he named with whom he said he stayed in Liverpool. He also gave details of what he said he had done in Liverpool on the Wednesday and New Brighton on the Thursday. In the proof he said that this named man sold the jewellery for him.

James Hanratty, Mr. Hanratty and in his room (which he shared with the named women) who went to Liverpool on the 5th October 1961 and that they got him out of Liverpool on the 11th October.

164. Very extensive enquiries were made by the police and numerous names and addresses and other information were passed over to the Defence. Three particular men named by the Defence were traced by the police and their particulars supplied to the Defence. On the 19th December 1961 at the request of the Defence the enquiries were switched to a different area of Liverpool. Great efforts were also made by the Defence and these included interviews with the three named men and in particular with the named man referred to in paragraph 163. These efforts were continuing as late as the 17th January 1962 when the Defence investigator Mr. Gilbanks wrote to Mr. Kinnaman the Defence solicitor:

"I very much regret that our combined efforts to establish an alibi with the three men in Liverpool for James Hanratty are not at all rewarding. It would appear that the correct details in relation to people and places are not being supplied".

and added later

"I have now made exhaustive enquiries in all those tenements and I am satisfied that there is no family ring in any of them which would fit the description supplied . . .

"It has been extremely difficult making the enquiries with such limited details . . . I feel confident that had any family as described been living in the area . . . I would have discovered them".

165. This enormous activity on the part of the police and the Defence came to nought because as Mr. Hanratty admitted subsequently the story of the stay in Liverpool and the three men was quite untrue.

166. The alibi given by him in evidence at the trial was this. He said that after leaving the sweet shop he walked back into town—a distance of over a mile—and had a meal at Lyons in Lime Street. He then attempted to sell a gold watch to a man on the steps of a billiard hall. The man refused and told him not to go upstairs selling stuff as they were licensed premises.

167. Mr. Hanratty abandoned the search for Mr. A and decided to go to Rhyl to interview a man (subsequently identified as Terry Evans) whom he only knew by the name of "John" to see if this man could introduce him to anybody who would buy the stolen property.

168. Terence Michael Evans (known locally and hereafter referred to as Mr. Terry Evans) had lived in Rhyl all his life. He was of distinctive appearance having a star tattooed on his forehead and owned a black taxi. In July 1961 Mr. Terry Evans was working on the fairground. On or about 25th July 1961 Mr. Hanratty came to the fairground seeking work and obtained a job. He met Mr. Terry Evans. As he had nowhere to sleep Mr. Terry Evans took him home and Mr. Hanratty spent the night at his house. In the morning Mr. Terry Evans asked the state of Mr. Hanratty's shoes gave him a pair of newly new shoes

upon the understanding, as he Mr. Terry Evans said, that Mr. Hanratty would pay for them out of his first week's wages. Mr. Hanratty took the shoes but did not return to the fairground nor did he return the shoes. Mr. Terry Evans did not see Mr. Hanratty again until the trial.

169 Mr. Hanratty said he arrived in Rhyl late in the evening of the 22nd August enquired on 5 or 6 occasions to get bed and breakfast and finally succeeded in obtaining accommodation.

170 He spent two nights in Rhyl but was not able to find Mr. Terry Evans and accordingly returned to Liverpool on the Thursday at about midday. He put his case in the left luggage, had a meal, saw a firm, sent the telegram to Mr. France and caught a train back to London at about midnight. He visited the Frances that Friday morning.

171 His explanation for the original lie about the three men and the slay in Liverpool was this. It was common ground that Mr. Hanratty spoke to Mr. Acott on the telephone twice on the 6th October and a third time from Liverpool on 7th October 1961. He said that in the first telephone conversation Mr. Acott asked him where he had been on the 22nd and 23rd August. He replied "Liverpool". In the second conversation that evening Mr. Acott asked him where he stayed and who with and he told the lie about the three men. The result was that having made up the lie he made up further lies to cover it. Having done this he felt he had to continue. His Counsel asked him:

"Why did you not tell him you had been to Rhyl?"

A: "I did not tell Superintendent Acott because at that point I did not know the name of the street, the number of the house, or even the name of the people living in the house. At that stage I knew that I was only wanted for interviewing, not for the actual A6 trial which I eventually found out later, or the truth would have been told straight away."

172 All three phone calls were of course initiated by Mr. Hanratty. The first two were made in London. The third from Liverpool.

173 Mr. Acott's version of the phone calls was different. He made notes of each call after it was finished. There is no mention in his evidence (or his notes) as to the two telephone calls on 6th October of his asking any question of Mr. Hanratty as to where he was, where he stayed or who he was with, or of any mention of Liverpool or the three men. Mr. Acott made it quite clear that the first mention of Liverpool was in the telephone call of 7th October when Mr. Hanratty said he had gone to Liverpool by train from London on 22nd August and had stayed with three men for five days. He asked Mr. Hanratty for their names and addresses but Mr. Hanratty would not disclose them. He said that because of their criminal activities they would not see Mr. Acott.

174 The importance of this matter is that in cross-examination Mr. Hanratty agreed that if the first mention of Liverpool was on the 7th October 1961, it

would destroy his excuse — of inventing the three men Mr. Swannick when cross-examining Mr. Hanratty after referring to Mr. Acott's version of the matter said:

"Of course if Mr. Acott were right about that it would torpedo your whole excuse for inventing the three men would it not?"

A. "It would, yes".

175. There is other evidence which may throw some light on this conflict:

- (a) Mr. France gave evidence which was not challenged that on the 5th and 6th October 1961 Mr. Hanratty telephoned him. His first words were:

"Dixie Dixie I am wanted for the A6 murder"

Mr. France said he tried to persuade Mr. Hanratty to go to Scotland Yard. He also said that Mr. Hanratty told him he had £240 hidden away. In cross-examination by the Defence at the Magistrates' Court Mr. France said:

"He told me that he had been in Liverpool at the time the murder was committed and there were witnesses who could say so."

This was not repeated at the trial and therefore must be treated with caution. Nevertheless it seems clear that by the 5th October 1961 he knew he was wanted for the murder.

- (b) Detective Inspector William Holmes gave evidence that on 6th October 1961 he took a telephone call from a man who wanted Mr. Acott. Mr. Holmes told the caller that Mr. Acott was not available. At first the man would not give his name but said:

"I know the police are after me for the A6 murder"

When requested he gave his name as "Ryan" and then on further request gave it as "Hanratty"

- (c) In his proof of evidence Mr. Hanratty said that on the Friday night (6th October):

"I telephoned Acott to let him know that I had an alibi but that there were reasons why I could not name the people there."

176. In the face of all the evidence I do not think it is possible to accept the suggestion that the Liverpool alibi was made up "on the spur of the moment" or as a result of Mr. Hanratty's confused state when talking to Mr. Acott on the telephone. As will be indicated later it is equally difficult to accept the explanation given by him for not telling Mr. Acott about the alleged stay at Rhyl.

177. It was not until late in the afternoon of the 6th February 1962 — the 12th working day — that the Judge, jury, Prosecution and police were informed in the course of Defending Counsel's opening speech for the Defence that the Liverpool alibi was a lie and that Mr. Hanratty had spent the nights of 22nd and 23rd August in Rhyl. From information obtained as a result of the investigation made in 1967 it has emerged that enquiries were being made in Rhyl from the 2nd February 1962 onwards on behalf of the Defence to try and obtain evidence to support this alibi.

B. LIVERPOOL

The Sweet Shop Incident

178 On or about the 13th October 1961 information was given to the police either by Mr. Harratty or his solicitor that in the afternoon of 22nd August 1961 after his arrival at Liverpool from Euston he called in at a sweet shop in Scotland Road where he asked a woman who was accompanied by a child to direct him to Carlton Road or Talbot Road.

179 As a result enquiries were made by the Liverpool police and on the 17th October 1971 Mrs. Dinwoodie made a written statement. A sweet shop at No. 408 Scotland Road was owned by Mr. David Cowley. Mrs. Dinwoodie had assisted in the shop from time to time. On Saturday 19th August 1961 Mrs. Cowley went on holiday and Mr. David Cowley wanted to visit her. Accordingly in the morning of Monday the 21st August 1961 Mr. David Cowley sent Mrs. Dinwoodie a note asking her to assist in the shop and suggesting that she bring her granddaughter Barbara Ann Ford with her (Barbara was then 3). Mrs. Dinwoodie came to the shop at about 12.30 p.m. with Barbara and took over from Mr. David Cowley. Apparently the intention was that Mrs. Dinwoodie would assist for the next two weeks. They remained there until some time after 6.0 p.m.

180 Mrs. Dinwoodie was again at the shop on the Tuesday but became ill in the afternoon and left the shop when Mr. David Cowley returned somewhere about 6.0 to 6.30 p.m. She did not in fact come back for some weeks owing to her illness. Confirmation of the illness on the Tuesday was available from medical records. Barbara did not come to the shop with her on the Tuesday but did call there at about 4.45 p.m. that day with a friend named Linda Walton.

181 In her statement of 17th October 1961 Mrs. Dinwoodie said

"Between 3.30 and 4.00 p.m. on the Monday a chap came into the shop and asked me to direct him to Tarleton Road. I did not know where Tarleton Road was, though I knew Tarleton Street. I asked him if it was Tarleton Street and he said 'No. Road'. There was a chap at the counter and I said to the man enquiring for Tarleton Road 'Maybe this gentleman can help you'. I carried on with the business and thought no more of it."

At the trial she gave evidence substantially in the same terms except that she put the time at 4.15-4.30 p.m.

182 Subsequent to her first statement Mrs. Dinwoodie was again interviewed by the police and by the Defence. The Prosecution also obtained statements from Barbara, Mr. and Mrs. Cowley and Mr. John Cowley (David's brother). The Defence obtained statements from Barbara, her mother Mrs. Olive Ford, Linda Walton, and Mr. John Cowley. Mr. and Mrs. David Cowley were also interviewed on behalf of the Defence.

183 Mr. Harratty in his evidence said he asked the direction to Carlton Tarleton Road and she told him he had to go back into Town as he had come out too far. Later he said there were three roads asked for (Carlton, Tarleton and Talbot). In her evidence Mrs. Dinwoodie said that she had the impression that Tarleton Street was in the town.

184 Two important issues arise on Mrs. Dinwoodie's evidence - Identification and Date

Identification

185 In her statement of 17th October 1961 (when she was unfortunately shown only one photograph) Mrs. Dinwoodie said

"The photograph you have shown me is one of the man who came in on Monday 21st August asking for Tarneton Road"

She was interviewed again by the police on or shortly before the 24th October 1961 when she was shown a specially prepared album of 16 photographs including one of Mr. Harratty. Almost immediately she pointed to the photograph of him and said he was "more like the man than any of the remainder".

186. She was interviewed by the Defence on 16th December 1961 and signed a photograph of Mr. Harratty. She made a signed statement to the Defence (a copy of which accompanied the brief) in which she said

"I am sure that the man who came into the shop is the man whose photograph I have signed on the back and dated the 16.12.61"

187. On the 4th January 1962 she made a further statement to the police and said that at the interview with the Defence she was shown a side photograph of a man which she could not recognise. She was then shown a full face view of a man

"which I immediately identified as that of the man who had called at the shop No. 408 Scotland Road about 3.30-4.00 p.m. on Monday 21.8.61 asking to be directed to Tarneton Road".

188. At the trial she was less definite. In chief she was asked by Defence Counsel

"Did you recognise the first photograph which was shown to you as someone you had seen?"

A "Well I thought it resembled a chap that came in the shop. I only saw him. I only had a glimpse for a second of the chap and as far as I could remember it was the chap".

In cross examination when asked about the occasion when a number of photographs were shown to her she said:

"I picked out one which I thought might be. I told them that. I told them I was not sure".

She agreed that she had only seen the man for a very brief moment, did not take any particular notice of him and was very busy in the shop when he came in. Finally occurred this passage:

Q "Can you say more about this photograph of the man in the dock than that it resembles the person you saw?"

A "No"

189. Barbara Ann Ford made a statement to the police on 2nd November 1961 in the presence of her father. She confirmed being in the shop on the Monday of the week Mrs. Cowley started her holiday and that a man called and asked her grandmother if she could direct him to a street or road. Barbara could not remember the name he asked for. She was shown some photographs but could not recognise any of them.

190. She subsequently made a signed statement to the Defence a copy of which accompanied the brief. In this she said:

"I have been shown photographs by Inspector Parkinson. I did not pick any out. I do remember the side face photograph."

This presumably was one shown to her by the Defence and at P.F. 200 it is stated that she signed it.

191. There are two other points which should be mentioned on this issue.

(a). In her statement to the Defence Mrs. Dinwoodie said

"He was hard to understand. I thought he was Scot or Welsh."

(b). In her statement to the Defence Barbara said

"He spoke in a funny way. I thought he was Scottish at first. I remarked on this to my grandmother ('Nanny')."

The Date

192. Throughout Mrs. Dinwoodie has said both in statements and in evidence that she was certain the incident occurred on the Monday and (in evidence) that when the man came in Barbara was serving behind the counter with her. It is, however, clear that this certainty was based on the fact that Barbara was in the shop with her serving behind the counter on the Monday but was not there on the Tuesday except when she called in with her friend at about 4.45 p.m. and stayed for about half an hour. Mrs. Dinwoodie's evidence was that Barbara did not serve that Tuesday afternoon. Barbara in her statement of 2nd November 1961 was equally adamant about the day.

"I am certain that the day I was in the shop was the Monday of the week Mrs. Cowley started her holidays".

193. In her statement to the Defence Barbara said she thought it was the Monday because she was serving on the Monday and not the Tuesday. She also said in reference to the Tuesday

"We stayed for about half an hour but we were not behind the counter."

194. On the 16th January 1962 Barbara made a further statement to the police in the presence of her mother. She said

"I know it was on a Monday that I helped my grandmother at Mrs. Cowley's shop. The reason for me knowing it is because it was the first day of Mrs. Cowley's holiday but I don't know what date it was. Mrs. Cowley went away 2 days earlier. That is on the Saturday."

She is a small, thin, middle-aged woman, English, Irish, Welsh and so on.

'We stayed for about a half an hour but neither Linda nor I served any customers, nor did either of us go behind the counter. Whilst I was in the shop on this Tuesday, nobody called asking directions for any road.'

195 Miss Linda Walton made a statement to the Defence—a copy of which accompanied the brief. She described the visit to the shop on the Tuesday with Barbara. They got there about 4 to 4.15 p.m. and stayed for about an hour. In contradistinction to Mrs. Dinwoodie and Barbara she said:

"She (Barbara) was standing in front of the counter most of the time with me, but when children wanted serving she went behind the counter to serve them".

Miss Walton made no mention of any caller asking for directions.

196 Nor did Mr. John Cowley who made a statement to the police on 1st November 1961. He had to attend hospital on Monday the 21st August. He was examined and left at about 3.30 p.m. He walked very slowly to the shop and this took him about 10-15 minutes. When he arrived Mrs. Dinwoodie and her grand-daughter were there. He said:

"I do not remember any person calling in the shop asking for directions that day".

On the Tuesday he went to the shop about 3.0 p.m. and assisted Mrs. Dinwoodie. Her grand-daughter was not there on that occasion.

'About 5.0 p.m. Mrs. Dinwoodie complained about not feeling well but she remained there until my brother arrived about 6.0 to 6.30 p.m. Once again no person called at the shop asking for directions.

If Mrs. Dinwoodie's original recollection of the time was correct, Mr. John Cowley could well have missed the enquiring caller on the Monday. In her statement to the Defence Mrs. Dinwoodie put the time at:

'just gone 4 o'clock, the Echo's had just arrived.'

None of her times are consistent with Mr. Harrarty's account.

197 Neither Miss Ford nor Miss Walton were asked to give evidence for the defence. Nor was any attempt made subsequently to make any use of their statements either by application to the Court of Criminal Appeal to call them or—so far as I am aware—by submitting the statements to the Home Secretary.

198 There was, however, further evidence as to the date. Mr. Albert Cecil Harding was a friend of the Cowleys. He regularly went to the shop, morning and evening. Some times in the evening he helped to sell. He was called by the Prosecution. His evidence was that he had driven Mrs. Cowley to her place of holiday on the Saturday 19th August 1961 and that, when he went into the shop on the Monday and saw Mrs. Dinwoodie, he saw:

'the little bottle of pop bottle on the shelf and "Ave Ave do you not want me tonight".'

He said that he was there both on the Monday and the Tuesday afternoon in the former case at an earlier time than on the Tuesday. He saw Mrs. Dinwoodie on the Monday and had a conversation with her — which was not admissible in evidence at that stage. He did not see her or the girl when he arrived at the shop on the Tuesday. Mr. David Cowley was there then. Mrs. Dinwoodie was asked about the conversation with Mr. Harding. She agreed that there was a conversation and was definite that it took place on the same day the man called. She said this:

Q. "Did you have a conversation with Mr. Harding that day?"

A. "I asked him if he had ever heard of Tarleton Road."

Q. "Do you remember what he said?"

A. "He just said the only Tarleton Road I know is off Southport Road — not in Liverpool."

Q. "Did he ask you why you wanted to know about Tarleton Road?"

A. "He just said 'yes where are you going?'"

Q. "What did you say?"

A. "I said 'there is someone enquiring for it' and I would have liked to have known in case anybody else might ask."

199. As has already been stated, Mrs. Dinwoodie became ill on the Tuesday but remained in the shop until Mr. David Cowley arrived at about 6.0-6.30 p.m. Mr. Harding who made no mention of Mrs. Dinwoodie's feeling ill when he came to the shop, said he arrived at about 7.0 p.m. on the Tuesday.

200. Apparently the Prosecution did not consider it necessary to recall Mr. Harding as to the conversation he had with Mrs. Dinwoodie. It is, however, worth looking at the statement made by Mr. Harding to the Liverpool police on 3rd January 1962. In it he says he is quite certain that he saw Mrs. Dinwoodie and the girl on Monday and that when he arrived at the shop on the Tuesday neither of them were there — only Mr. David Cowley. His account of the conversation with Mrs. Dinwoodie on the Monday is substantially the same as hers. When referring to his visit on the Monday he said he passed some jocular remarks to both Mrs. Dinwoodie and the girl about his services not being required behind the counter. In his evidence he had started to refer to these remarks when the learned Judge stopped him saying that he must not tell the court what he said. He did in fact utter the one sentence I have quoted.

201. This incident was very fully explored at the trial though without the evidence of Miss Walton and Miss Ford or the Cowleys being put before the jury. It is clear that they must have been satisfied either that the caller was not Mr. Hanratty or that the incident did not occur on the Tuesday the 22nd August 1961.

202. The position can be summarised in this way. A man did call at the sweet shop in Scotland Road in August 1961 enquiring for Tarleton (or possibly Carlton) Road. He spoke to Mrs. Dinwoodie at some time in the afternoon

I left at the Monday or Tuesday the 21st or 22nd August. Mr. [redacted] would have mentioned the enquiry to Mr. Harding later that same day. The man resembled Mr. Harratty. Mrs. Dinwoodie, Miss Ford and Mr. Harding were all quite sure that the incident occurred on the Monday and not the Tuesday. Mr. John Cowley did not remember the incident at all, but he did not arrive in the shop until about 3.45 p.m. on the Monday. Miss Watson's statement indicates that Miss Ford could have been behind the counter during some of the time when they were in the shop between about 4.15 and 5.15 p.m. on the Tuesday. She had no recollection of any enquiry. Both she and Barbara say that they left the shop at about 5.15 p.m.

203 Mr. Foot makes forcible use of the statements of Mrs. Dinwoodie and the Misses Ford and Watson to the Defence. Mr. Harratty's advisers decided not to call the girls to give evidence and no doubt there were good reasons for this decision. An obvious one is that the evidence of Barbara would have tended to strengthen the Prosecution case that the incident occurred on the Monday if she had added that Linda was not with her in the shop when the enquiry occurred that by itself would have further damaged the Defence case—perhaps beyond repair—on this very important issue.

204 In considering this matter it must not be looked at in isolation. It must be put into the context of the Defence account of Mr. Harratty's reasons for going to Liverpool and what he did there which I have set out earlier.

205 Quite apart from any question of identification there was in my opinion powerful evidence at the trial that the incident occurred on 21st August 1961. In addition to the matters already mentioned there would appear to be two further points not specifically dealt with at the trial which are matters—

- (a) There is no mention in Mr. Harding's evidence or statement of Mrs. Dinwoodie's address. Had the conversation with him taken place on the Tuesday it seems almost inconceivable that he would not then have become aware of it.
- (b) Barbara and Linda would have left the shop before Mr. Harding's arrival on the Tuesday. Neither mentioned seeing him on that occasion. He was sure that Barbara was there when he arrived on the occasion when the conversation occurred. He makes no mention of Linda.

206 If the whole of the available material had been put before the jury I think that the additional evidence would have made the Prosecution case on this issue even stronger.

207 In these circumstances it is desirable to consider the possibility that Mr. Harratty was in Liverpool on the Monday 21st August 1961 and not the Tuesday the 22nd August and that he performed the classical false alibi trick of rescheduling the incident but putting it one day later than it actually occurred. There was on the face of it strong evidence called by the Prosecution that he was in London on the Monday and could not have been in Liverpool (and Mr. Harratty himself expressly said that) I was in London.

(a) Mr. John Wood, the area supervisor of Hertfordshire Constabulary gave evidence—supported by two others—that on 21st August 1961 at their branch in Swiss Cottage he received a green suit from a man who gave the name of Ryan and the address of 72 Boundary Road, London N.W.8. The suit was afterwards identified as one which belonged to Mr. Harratty. Mr. Wood did not remember what the man looked like but was able to fix the date as about 1.0 a.m. Mr. Harratty said he left the suit there. The France family lived at 8 Freezing House, Boundary Road N.W.8.

(b) The evidence of Mr. and Mrs. France and their daughter Carol. The effect of this was that Mr. Harratty was at their house on the Sunday—when he asked Mrs. France to do some washing for him—and that he was there again on the Monday not leaving until 7.0 p.m. Carol said Mr. Harratty arrived at about 2.30 p.m., she was not at work as she had just come home from the dentist having had a tooth out. There was evidence from the dentist that Carol did have a tooth out on 21st August at 2.0 p.m. Mr. and Mrs. France's evidence was to the same effect as Carol's. They said Mr. Harratty told them he was going to Liverpool to visit his aunt. A great deal has been written about Mr. France in connection with this case. He apparently attempted to commit suicide on the 19th January 1962 and left certain letters. On 16th March 1962 he did commit suicide and left some further letters. An article in the *Sunday Times* on 9th May 1972 apparently reproduced one of the letters found on the 19th January 1962 in D.I. and it is referred to in the postscript to Mr. Foote's book. The *Sunday Times* stated that:

"The family is adamant that Mr. France killed himself because of his horror and remorse at having introduced a sex murderer into his home where he became a friend of the family and its three daughters."

Mr. France's quoted letter says that what he has done was for his wife and children and then appear the following statements:

"they are going to crucify us all"

"But I sincerely promise you it will be much better than having the stigma of bearing the fact that I had done what was honestly written but will be so twisted as to make it look as though I was an associate of this filthy act"

"My petty acts of wrong will be magnified to make it look as though I knew all along that this man who I took to be a friend as turned out a monster and should pay a just penalty"

Obscure as the phraseology is, it certainly suggests that Mr. France knew more about the matter than appeared from his evidence.

(c) Mr. Harratty used to visit the Rehearsal Club and got to know Miss Ann Pryce who worked there. She gave evidence that she was in the Club and when cross-examined on the Defence said that on the

1st August Mr. Hanratty came to the Rehearsal Club once or twice. He was carrying a leather suitcase and told her that he was going to Liverpool. In re-examination she said:

"I am not sure of the date. I am only guessing. I am not sure of any of the dates' not even the months"

At the trial this evidence was put to her and she agreed it was correct.

208. Therefore the question of whether Mr. Hanratty was in London on 21st August (prior to about 11.30 p.m.), depends on his evidence and that of the France family. If they were mistaken or were wrong this would not have been perfectly possible for Mr. Hanratty to have been in the sweet shop at about 4.0 p.m. on 21st August and in the Vienna Hotel at 11.30 p.m.

209. I have investigated this incident in considerable detail because it is a matter of crucial importance. If Mr. Hanratty was the man in the sweet shop and that visit occurred on Tuesday 22nd August 1961 (although it would have still been theoretically possible for him to be in the cornfield by 9.15 p.m.) this is so unlikely that it can be ignored. Mr. Acott in the trial made it plain that he was not suggesting that this is what happened. Thus if it were Mr. Hanratty on the Tuesday there must at the least have been a real doubt as to whether Mr. Hanratty committed the murder. On the other hand if it were not Mr. Hanratty who made the enquiry very serious doubt must be cast on his whole alibi story. For if the incident occurred on the Monday that must mean either that the caller was not Mr. Hanratty or that if it were he, his whole account of going to Liverpool on the Tuesday which is the foundation of the alibi including Rhyl lies in ruins. Whether the jury decided this matter on identification or date one cannot tell and I do not propose to speculate. As I have already indicated there was powerful evidence that the incident occurred on the Monday. If the girls had been asked I think that in all probability their evidence would have strengthened the Prosecution case on the date. My assessment is that the incident occurred on the Monday.

The Left Luggage Office

210. The Prosecution called Mr. Peter Singer, a toilet attendant at Lime Street Station, Liverpool. He had an artificial left arm and wore a glove on his hand.

211. His evidence was that he was on duty from 2.0 p.m. on the week commencing 21st August 1961 and sometimes assisted in the cloakroom. If he did so he would not go there until about 8.45 p.m. and would stay for about 10 to 15 minutes. He had no recollection of any particular person depositing luggage on the 22nd August.

212. He had been interviewed by the Defence before the trial. In cross-examination he said that there was a cloakroom attendant at that time called Edgar who was carrying a suitcase on his hands.

213 The Defence had interviewed Mr William Usher on two occasions prior to the trial. He was a regular attendant at the Left Luggage Office. He had a turned or wrenched left hand the middle finger of which was missing. He was on duty from 6.0 a.m. to 2.0 p.m. during the week commencing the 21st August 1961.

214 The report dated the 13th January 1962 to the Defence solicitor relating to the second interview stated:

"He now fixes Tuesday the 22nd August 1961 as the day he had some conversation with a man who wanted the name 'J. Ratty' or 'N. Ratty' put on his left luggage ticket. Usher replied that the ticket had the number on and the name did not matter. He fixes a time of 11.0 a.m. to 12.30 p.m. but in any case he would not be on duty after 2.0 p.m. He further states that this man was wearing a cap and a dark or blue suit. His identity of the photograph although he signed it was not too good. This case has of course been the subject of some discussion between Mr Usher and his colleagues at the Station particularly since the press reports of the earlier court hearing."

215 In August 1961 Mr Hanratty seems to have been using the name "Ryan" and not "Hanratty".

216 Mr Foot quotes a letter from the Defence solicitor to Defence Counsel in which occurs the sentence "he says the photograph is something like Han" (P.F. 193).

217 On the 13th January 1962 subsequent to the interviews with the Defence representatives, Mr Usher made a statement to the police. He said that about month ago, a man called who said he was making enquiries about a murder.

"He asked me if I had any recollection of a man named Hanratty or anything outstanding that appeared on Tuesday 22/8/61. I said I could not remember anything but I recollect the name Hanratty. After he left I gave the matter some thought and I appeared to recollect that I had spoken to a man named Hanratty some time previously. I did not have the slightest idea of the time when I had spoken to a man of that name or in fact what I had spoken to him about."

He said that on the 13th January 1962 the man again called and said it appeared that Mr Usher was definitely on duty the day that Hanratty called there and that there had been a dispute about the charge. The statement goes on:

"When he saw this I seemed to have some slight recollection of having a dispute with a man who when walking away said his name was Hanratty. I have no idea when this dispute took place and I may have been 2, 3, 4, 5 or 6 months ago. I have a feeling however that it was about 1.0 a.m."

Mr Usher was shown two photographs by the carrier and said they seemed familiar or that he could not say on some name. He picked out a photograph from the two shown to him by Inspector Parkin on the 30th January 1962.

His description of the man he had the dispute with was

"about 32-33 years, 5ft 3ins, stocky build, fairish complexion, wearing darkish suit and cloth cap. I did not notice anything unusual about his accent"

For what it is worth the description does not seem much like Mr Hanratty

2.8 Mr Foot sets out details of an interview with Mr Usher in 1970 in which he is quoted as saying

"I had some way then of picking out the date but honestly I don't remember it now"

2.9 Mr Foot suggests that if Mr Hanratty had caught a taxi earlier than and Mr Usher had been working overtime, the incident might have occurred at about 2.30 p.m. — quite contrary to Mr Usher's recollection. What is more likely is that if Mr Usher was describing a deposit of luggage by Mr Hanratty, and it is a big fit, it relates to another occasion, perhaps later that week, when Mr Hanratty according to his own account deposited his suitcase at about midday at the Left Luggage Office.

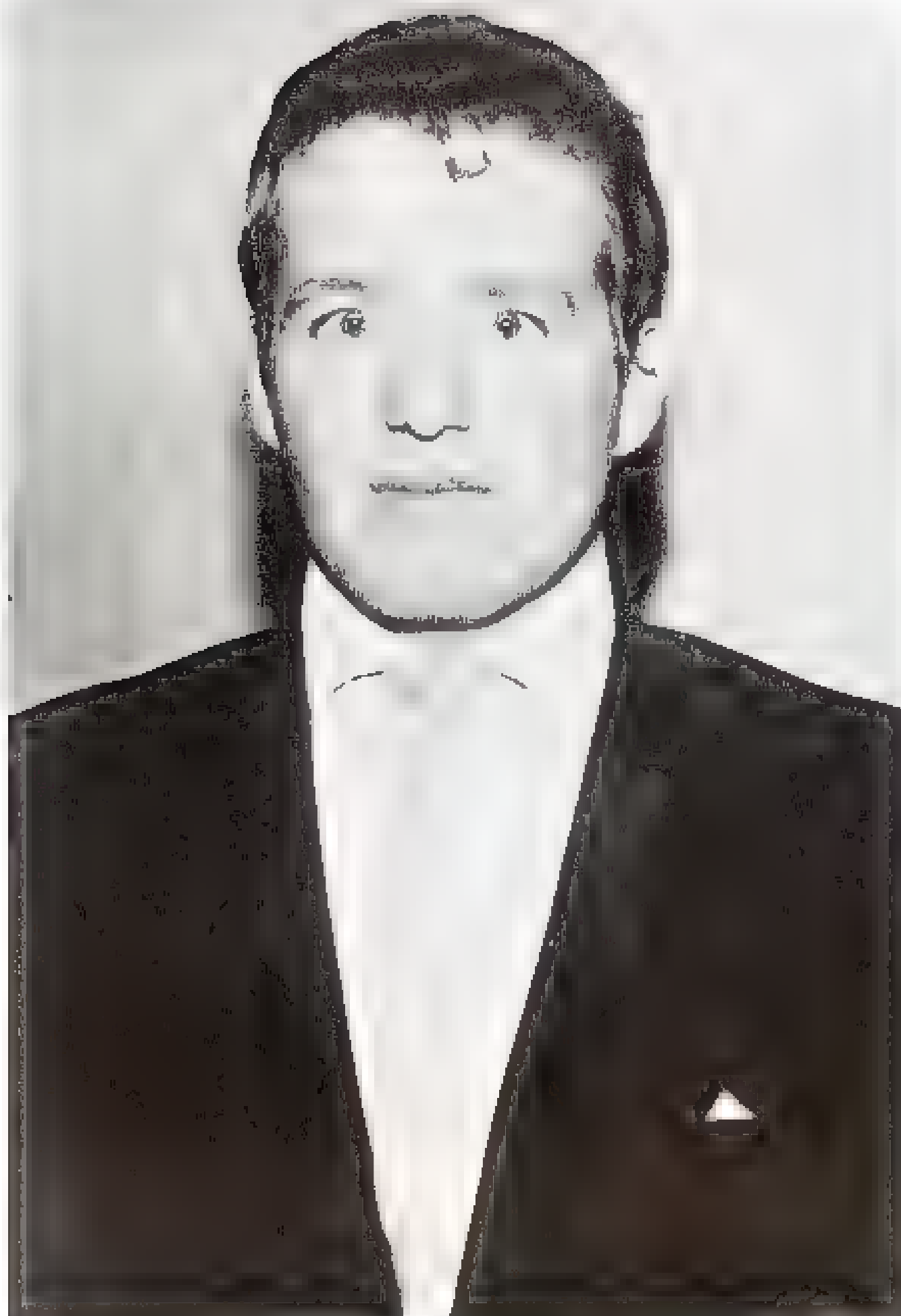
2.10 After full investigation and consideration the Defence decided that Mr Usher could not assist Mr Hanratty's case and did not call him. I am not surprised.

C. RHYL

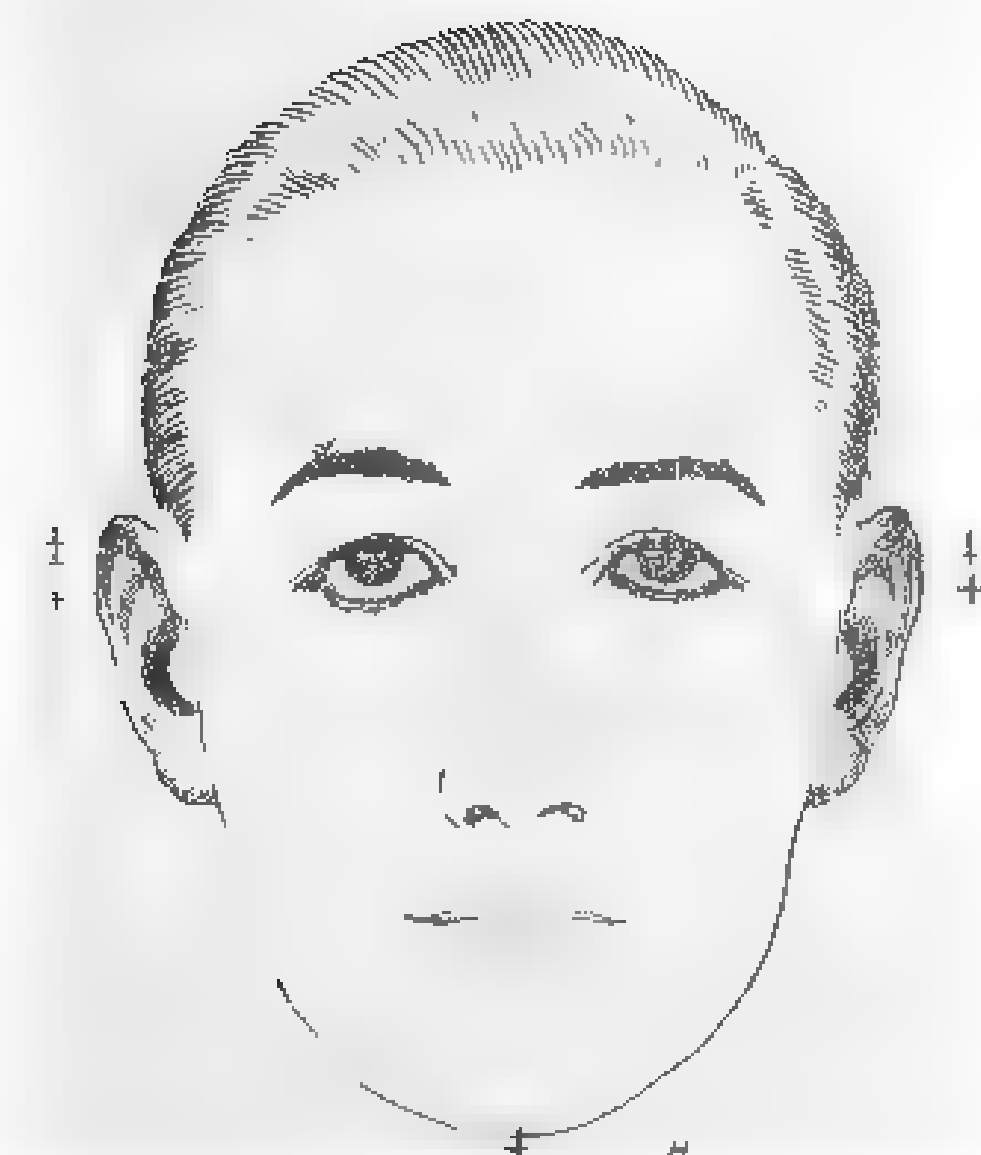
The Trial

2.11 In the course of his evidence Mr Hanratty gave the following information about the bed and breakfast house at which he claimed to have stayed and its occupants:

- (a) A small terraced private house with a sign "Bed and Breakfast"
- (b) In the hall there was a coat rack with a mirror and a green plant in a bowl
- (c) There was a green bath in the top part of the house in the attic.
- (d) He stayed in a back room which was on the second floor and he could not draw the curtains because it was a back room
- (e) He could hear the transients coming but could not see them the following morning when he woke up.
- (f) In cross-examination he added that it had also come to him that there was no front garden and that in the morning he looked out of the window and found a small courtyard at the back.
- (g) That the lady who answered the door to him was middle aged, about fifty, average built, she wore glasses and had greyish hair and she served him with breakfast in a general room with 2 tables.
- (h) He could not remember anyone else staying at the boarding house — at any rate he did not see anybody
- (i) He stayed 2 nights paying 25s for bed and breakfast. He did not sign any register
- (j) It was dark at the time he arrived



Appendix A Young Portrait





Idemika Pictures



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222. For the purpose of going to Rh... Mr. Terry Evans who he knew only by the name of "John".

223. Mr. Hanratty said that on the morning of the 23rd August he had a shave at the barbers on the High Street with J. J. ... and ... he had a meal at Dixie's Cafe which he knew Mr. Terry Evans used and where he hoped to see him. After wandering about in the ... he ... and ... he returned to the car in the evening but did not find Mr. Terry Evans. He enquired about Mr. Terry Evans at his cafe but did not leave a message for him. He then went back to the boarding house. The following morning he caught a bus to Liverpool. He put his case into the left luggage at Liverpool on his arrival and then did various things which I need not reiterate.

224. Mr. Terry Evans was asked to give evidence as to the evening of the 25th/26th July 1961. The ... taken by Mr. Hanratty had cost £3.00. He did use Dixie's Cafe in July but not in August 1961. His house was a ... with a ... which could be described as green ... or ... green and there was ... a plant in a green bowl though it was a ... broken ... 25th July. You can't just about near the train. His ... was ... grey hair ... out of the house but not in the evening ... After being referred to his previous ... which was of a ... character Mr. Evans was asked by Prosecution ...

"Had Hanratty any reason at all to think you would be the sort of person who would be interested in disposal of ... on property."

A. "No, I should not think so."

225. The only witness called in support of the Accusation was Mrs. ... Jones of 19 Kennel Street. She was blonde and plump. In general the description of her house corresponded with that given by Mr. Hanratty. There was a ... in an attic room. She added more ... this room ... had ... a window but a ... in the room and one could not look out. The room had no ... I shall refer to this room as the ... it was at the front of the house ... Mr. Hanratty mentioned that the ... room had a ... in it ... and a skylight. He never suggested that he had slept in it and he repeated that he had slept in the back room.

226. On 5th February 1962 Mrs. Jones was shown a photograph of a ... which had been taken for his purpose by the ... on 5th February 1961. The Defence appeared ... that the photographs which had been used in it then for the enquiries were not satisfactory.

227. Mrs. Jones started her evidence on Friday the 11th February 1962. She identified the photograph which she had been shown previously and was then asked

"Do you see anyone in ... who you think you could recognise ... is the photograph ..."

A. "There he is, there"

(Hanratty points to the dock)

Q "Where did you see him do you think?"

A "Well I feel as if I have seen him at our house".

Q "Can you tell my Lord and the jury which month it was you think that this happened, that you saw him in your house?"

A "Well it was between the week of 19th August to the 26th August last year".

228 Mrs. Jones was thoroughly and carefully cross-examined partly on the Friday and partly on the following Monday the 21st February 1962. In particular she was closely questioned about the persons who were staying in the house during that week and the rooms that they occupied. A number of questions related specifically to the bathroom and its user. Mrs. Jones and her husband normally occupied room No. 2. Her widowed daughter, her Mrs. Brenda Smith, who afterwards became Mrs. B. Harris on re-marriage and whom I shall call Mrs. Harris and Mrs. Jones' son Gwyn aged 15 also lived at the house. Mrs. Harris occupied room No. 4. If the house was full Mrs. Jones and her husband would move into No. 5 and Mrs. Harris into the attic room.

229 It is clear that Mrs. Jones was an unsatisfactory and unreliable witness. Her evidence was confused and she often shifted her ground. It is consequently difficult to summarise it properly. The salient points were these:

(a) Kinnel Street is very easy to find. There are two good landmarks for it: the Odeon Cinema and the Bus Station. Opposite her house is the Wagoner Hotel, and nearby a betting shop which had opened in July 1961 (the map of Rhyl which was produced during the trial shows that the Bus Station is immediately adjacent to and to the north of Kinnel Street and the Railway Station is on the other side of that is to the south of Kinnel Street. A street plan of Rhyl is appended to this Report)*.

(b) None of the visitors used the bathroom which was marked private. Sometimes if the family came down they would use the double bed in that room.

(c) During that week there was only one room available viz. No. 4 in which a single gentleman could have stayed—apart from the attic bathroom she indicated that there were occasions when visitors did use this as a bathroom. Room No. 4 is a single room at the front of the house. To reach it one must go upstairs to the first floor and then up a further flight of 3 steps.

(d) She said that Mr. Harris occupied Room No. 4. In cross-examination she was asked by Prosecuting Counsel:

"Who was the gentleman in No. 4? Can you remember anything about him?"

A "Yes".

Q "Who was he?"

A "I recognised him to be that gentleman *here*" (Presumably pointing to the duck.)

* See also on page iv, list of Appendices.

In re-examination Mr. Sherrard quoted her evidence that Mr. Harratty had stayed "between the week of 19th August to the 26th August 1961 and said:

Q "What was it made you say that?"

A "Well a man came to the door and wanted bed and breakfast for one night and then he stayed. He said he had been looking for a place around here and he couldn't get in anywhere and of course I told him I could take him and I put him in No. 4.

(e) The Prosecution called in rebuttal three persons: Mr. Williams, Mr. Sach and Mr. Sayle who undoubtedly stayed there during that week and in particular were there on the Tuesday and Wednesday nights. They were called to give evidence as to other persons staying in the house on these nights. The most important of these witnesses was Mr. Sayle who it was established stayed in his own (a small single room) on the nights of 21st, 22nd and 23rd August 1961. All three witnesses were produced to Mrs. Jones. The only one she could recognise was Mr. Williams who had stayed at the house previously. Sayle could not recognise Mr. Sach or Mr. Sayle. She was surprised at the suggestion that Mr. Sayle had stayed there.

(f) She agreed in cross-examination that when she was first shown the photograph on the Tuesday 6th February 1963 (in the presence of Mrs. Harris) she did say she was not quite sure whether she knew him or not, but later in her evidence added that if he had had dark brown hair she would have recognised him straight away.

(g) In cross-examination she said that Mr. Harratty had stayed at her house but she could not really remember what week he did stay. She agreed that there would have been room for casual visitors after 26th August 1961. She gave as the reason for saying that he stayed the week 19th-26th August the fact that they had an empty room - the single room (No. 4). In re-examination in answer to questions by Defence Counsel she repeated that she was not quite sure of the date he had stayed.

(30) The position at the end of the trial was this: Mr. Harratty had admittedly told her to the police as to where he had spent the nights of 22nd and 23rd August 1961. One of the reasons he gave for this was that he did not feel he could locate the house in Rhyl. He was in Liverpool in "in October and was not arrested (in Blackpool) until 11th October. He admitted that he had made no attempt to revisit Rhyl to try and find the house although he had ample opportunity to do so. The three persons called by the Prosecution who gave evidence of others staying in the house together with the cross-examination of Mrs. Jones excluded Mr. Harratty from the house unless he stayed in the single room. Indeed the evidence goes further than this. Mr. Williams said that in Room No. 2 there was a married couple and three children, but he was not sure they were there the whole time. Mr. Sayle remembered a family and a man and wife and I think two children. He said that as far as he could tell they were there on all three nights when he got breakfast. The family was Mr. and Mrs. J. J. and Mr. Williams said that Mr. and Mrs. Jones were the only other persons there. Mr. Harratty would have known if he had been

... and ... of only ... that ...
...
Mr. Harratty could have stayed in the ... the room. He did not suggest that
he ... nor did she and in any event his description of the room ... lived in
could not possibly have fitted the attic room. None of the three persons called
had any recollection of seeing him. He had no recollection of seeing anyone.

231 By their verdict it is clear that the jury rejected Mrs. Jones' evidence that
Mr. Harratty stayed in her house on 22nd and 23rd August 1961.

Evidence as to the "Rhyd Albi" not called before the jury

232 This includes additional statements made by Mrs. Grace Jones, statements
made by persons who were adverse to the Defence, either during the
trial or certainly prior to the hearing of the Appeal on the 13th March 1962, and
statements subsequently made by some of these persons and by other persons.

233 Before considering the evidence it is useful to look at the enquiries made
on behalf of the Defence by Mr. Joseph Gilbanks a retired Detective Sergeant
of the Liverpool City Police who was assisted by Mr. Frank Evans a retired
and Mr. Terry Evans a retired Police Constable of the Liverpool City Police.
Both made statements to Mr. Norman on 20th February 1967 and 14th February
1967 respectively.

234 Mr. Gilbanks was originally employed by Mr. Kienman to make
enquiries in Liverpool only. He was still reporting to Mr. Kienman regarding
the three men in Liverpool about as late as 17th January 1962.

235 Mr. Gilbanks' statement of 20th February 1967 gave the following
information. His enquiries at Rhyd did not start until 25th January 1962 although
he thought that this was a response to instructions received by telephone the
previous day. He was told about Mr. Harratty's search for 'John ...' whom
he had previously stated was ... at the larger end and paid a black taxi.
As regards the accommodation Mr. Gilbanks was informed that you could see
the railway and hear the train, that Mr. Harratty employed three or four women
about 50 stoutish, no glasses, that the woman appeared to be on her own,
that Mr. Harratty had seen no one else, and that Mr. Harratty had slept
in a back room with a sofa sink unit. Mr. Harratty had stayed one night, left his
case there and stayed the following night. Mr. Gilbanks thought there was
some mention of a green bath in his first instructions.

236 Mr. Gilbanks had some photographs of Mr. Harratty. He visited all
the housing houses on both sides of Kinnair Street as well as other parts of
Rhyd but drew a blank.

237 Mr. Gilbanks went to Bedford on 5th February and on the
6th February 1962 returned to Rhyd with the new photograph. By this time
he was repeatedly instructed to try and find a house with a green bath. He saw
Mrs. Jones and showed her the photograph. She said she did not recognise
Mr. Harratty from that housing. He asked her if it could have been ...
to ... of ...

in fact Mrs. Jones did not consult any books. Mr. Gillbanks continued his enquiries in Kramer Street but no other person made any identification. He reported that Mrs. Jones' description did not tally with the description of the landlady given by Mr. Hanratty.

238. On instructions Mr. Gillbanks arranged for Mrs. Jones and Mr. Terry Evans to go to Bedford originally on 7th February and then on 8th February 1962.

239. In the meantime certain information came into the possession of the police at Rhyl and a number of statements were made to them. In accordance with the usual practice a list of the names and addresses of persons was drawn up by the Prosecution and handed to the Defence. A number of these persons were visited by Mr. Gillbanks. The list included the owner of and the three employers who worked at Dave's Cafe: Mrs. Margaret Walker, Mr. Robert Harrison Fish, Mr. Trevor Dutton and Mrs. Brenda Smith (Mrs. Harris). It would appear that Mr. Frank Evans saw Mrs. Walker on 10th February 1962. Mrs. Harris was present when her mother Mrs. Grace Jones was shown the photograph and was certainly available to be called by the Defence.

240. Mr. Gillbanks continued his enquiries after the trial closed on 17th February 1962 and obtained statements from Mrs. Walker and Mrs. Vincent on 19th February 1962.

241. His general view of the matter was put in his statement of 20th February 1962 in these words:

"I conducted extensive and careful enquiries in both Liverpool and Rhyl in late 1961 and early 1962 and I have no hesitation in saying that I found no reliable person, either place, which would convince me as an ex-convict, other than Hanratty had been in either place on the 22nd and 23rd August 1961."

242. Mr. Frank Evans in his statement of 14th February 1962 put the position in these terms:

"Throughout the enquiries I was concerned with I never got what I would call a positive identification of the photograph of Hanratty and this despite the fact that Gillbanks and I were showing people photographs only of Hanratty and I considered from my police experience that it would have been far better to show the photograph amongst photographs of other persons. I did not find anything in the course of my enquiries which I considered useful in determining if and when Hanratty had been in Rhyl."

243. Mrs. Grace Jones. Since the trial she has made further statements about the matter. On 7th November 1966 there was a Panorama Programme on the case. According to the Transcript the following took place:

(1) "Do you remember Jones Hanratty came to here?"

Landlady: "Yes"
(Mrs. Jones)

Q. "What day do you think it was?"

Landlady: "On a Tuesday".

Q. "Why do you think it was a Tuesday?"

Landlady: "Well we had one gentleman staying here he came in on Sunday and he left on the Tuesday morning. So the room was empty. It was Room No. 4 was empty, there was no one there. So of course, I, this gentleman came to the door about 7 o'clock at night between 7 and half past, and he said 'Could you take me in for bed and breakfast?' So I said 'How long did you want to stay?' 'Well just two nights that's all.' And of course I considered a while, I thought perhaps two nights wasn't much. Then I felt sorry for the fellow because he looked very lonely, he wanted somewhere to stay so I said 'All right I'll take you in.' And so I said 'Are you working down here?' 'No I'm not working down here. I've just come down here to see a friend of mine.'"

Q. "That was Tuesday the 22nd?"

Landlady: "Tuesday the 22nd".

Q. "Why was it you did not say this in court in the trial?"

Landlady: "I couldn't very well say it."

Q. "Why—why not?"

Landlady: "Because I was asked questions and I was there just to say yes or no and that's all."

Q. "But if you had a chance you would have said it?"

Landlady: "Yes".

Q. "And you're sure it must have been that week, it couldn't have been a week before or the week after?"

Landlady: "No, I don't think so".

Q. "Do you think the trial was fair to you, did you have a chance to say all you wanted to say? How do you feel about that?"

Landlady: "Well I was really mad about it because I was going to say a few things there. Then I was told by someone there, I was just to say yes or no to the questions. I felt as if I'd killed someone and I was just an ordinary witness that's all".

A reading of the Transcript of the trial demonstrates that these assertions by Mrs. Jones have no foundation. She had ample opportunity of saying anything she wished and she was fully re-examined by Defending Counsel. Furthermore they are quite inconsistent with the meticulous care with which Mr. Justice Gorman protected the interests of the Defence throughout the case. It will be observed that Mrs. Jones repeats that Mr. Harratty occupied Room No. 4 after the man previously in that room had left.

244 On 10th February 1967 Mrs. Jones made a statement to Mr. Nimmo. Describing what was obviously Mr. Gibbanks' visit on 6th February 1962, she said:

"He was showing the photograph of a man to my daughter. He asked 'do you recognise this man?' Both my daughter and I said his face seemed familiar to us. I felt I had seen him before but I couldn't be absolutely sure."

She said that the caller (Mr. Gibbanks) asked about the bath and when Mrs. Jones said it was green he said:

"Oh this must be the house he stayed at"

She said "who" and he replied:

"This man on the photo"

The next day the man called again and said she would have to go to Bedford and identify the man in the photograph. At first she refused but he was insistent. She said in this statement:

"When he asked me if Hanratty had stayed here I said I didn't really know so many people come to stay here".

"I have thought and thought about this case ever since. I cannot say if Hanratty ever stayed at my house although I have a feeling he may have done. If he did stay I could not honestly say when it was."

"To put my position quite clear it is as follows. Both I and my daughter remember a young man coming to the door one night and asking if we could take him in for bed and breakfast. This man may have been Hanratty but I do not know for certain. Neither do I know when it was he came. He said he was looking for a friend but he never mentioned his name. He did not mention Terry Evans. This man who may have been Hanratty stayed two nights. He may have stayed in the attic with the green bath in it. If he stayed in any other room in the house it could not have been the 22nd or 23rd August because as I have indicated to you, those rooms were full. He could have stayed in our house in a room other than the attic at any time in 1961, prior to 22nd 23rd August, or after 22nd 23rd August if we had had a vacancy but if it was on the 22nd or 23rd August he must have stayed in the attic with the green bath. This room as I said is at the front of the house. It has no window, only a skylight and there are no curtains on the skylight. You cannot see the backyard from the attic. To put another possibility if the man on the photograph stayed in a back room he might have stayed in Room 1 after the Suchs left or if it was a front room he could have stayed in Room 4 after Savile left. If he stayed on the 22nd and 23rd it must have been in the attic and I do remember a boy once staying in the attic who had his breakfast in the living room."

245 One other thing Mrs. Jones mentioned in her statement is that she had spoken to the news reporter, Charlie Jones (Charles Morris White Jones) since the trial and he seemed to think he sent a man like Hanratty down to her house. The man was told her who he thought might be Hanratty could say anything about Charlie Jones."

On 1st February 1962 I was interviewed by Mr. Norman Jones, a Mr. Jones, a P. Mr. Norman Jones, a solicitor and Mr. R. Barker, a barrister. Her statement of 6th February 1967 was read to her and she agreed it was accurate. (Certain specific paragraphs were put to her I related to the paragraph which referred to the possibility of Hanratty being the caller she said)

A: "All I know is that there was a man staying there that week for two days and he had his breakfast in here (the living room) on this very table here."

Q: "Do you know who that man was?"

A: "No."

Q: "Do you think it was James Hanratty?"

A: "Well it could have been—, if I wasn't him who could it be. When you think whatever the man was you'd think he'd come forward and speak up. If he did not say that week he must have stayed sometime."

Q: "Are you certain James Hanratty stayed in his house on 22nd/23rd August 1961?"

A: "I'm not certain."

Q: "Are you certain from your own knowledge and not from what other people have said to you that James Hanratty ever stayed in this house?"

A: "Oh, he has stayed here—yes".

Q: "What makes you say that Mrs. Jones?"

A: "Well when I saw the photograph I felt I knew him."

Q: "How do you know he stayed here though?"

A: "Well he said he stayed here didn't he?"

Q: "If he had not said he stayed here what would you have said then?"

A: "Well I would have thought nothing about it."

2.2 Mrs. Harris. On 6th February 1962 she made a written signed statement to Det. Inspector R. J. Oakes at Rhyl Police Station. Referring to the call on 6th February she said

"This man produced a photograph of this Hanratty. Then he asked me if I recognised him and I wasn't sure whether I knew him or not neither was my mother sure because she said so. Then the man said he was looking for a boarding house where this Hanratty had stayed."

There was conversation about the nail stand mirror and green bath. The man returned about an hour or so later and

asked if we had remembered any more about it and we both, that is my mother and me, said we hadn't.

Mrs. Harris also said

"I wasn't told that anyone here and the man making the enquiry give either of me a description of the man Hanratty or ask us for one."

At 1.15 p.m. (1.15 p.m.) was on the list supplied to the Detective

248 On 14th February 1967 Mrs. Harris made a statement to Mr. Nemo. After confirming the truth of her mother's statement of 6th February 1967 (at which she was present) and of her own statement of 9th February 1962 she said:

"It is true to say that when this man showed my mother and I the photograph of the man Hanratty our position was that we could not identify the photograph but we both had a feeling that we had seen the man before. That was the highest we could put it at the time and the position is still the same now.

When I went round the house with Mr. Nemo and Mr. Horan one other day I was satisfied by a process of elimination that on the 22nd and 23rd August 1961 all the normal letting rooms in the house were full. However, the attic room at the front with the skylight and the green bath in it was available if I remember.

I also knew that at some time, and it may have been around that period in August 1961 a boy did stay in the attic and he had his meals in our living room at the back of the ground floor which was furnished as it is now with the settee, armchairs and the television set.

The feeling that I had seen the man on the photograph at some time coupled with my recollection of this boy who stayed in the attic has caused me to wonder whether or not it was the man on the photograph who was the man who stayed in the attic but I am unable to say definitely that this is so.

I remember remarking to a reporter who asked me how my mother was so certain on the 'Panorama' programme that it was on the 22nd August 1961 that the man resembling Hanratty stayed at our house that it must have been because that was the date Charlie Jones sent him to us. When I said this I had seen Charlie on the Panorama programme and I had also discussed the matter with him. I also knew what Mrs. Walker was saying about a man she had seen and I was in effect using Charlie Jones' recollection and Mrs. Walker's knowledge to bolster up my own recollection."

249 In consequence of a visit paid by the Hanratty family to Rhyl Mrs. Harris made a third statement dated 6th June 1967 which I shall quote in full:

"I have already made a statement to Mr. Nemo stating that all the bedrooms were occupied during the week of 19th to 26th August 1961 by guests, the only room we had vacant with a bed in, was the attic which contains a green bath. We offered this bed to a young man about 25 years of age with dark hair who I feel sure was James Hanratty. The reason why the guests in the dining room never saw him was because he had his breakfast in our general room. That's how he knew the back yard was there.

B. Harris
Gwen Hyland
(Witness)

240 On 14th July 1967 she was interviewed by Mr Nimmo in the presence of Messrs Carmel Jones and Jackson. Both of her statements of 9th February 1967 and 14th February 1967 were put to her and she agreed that they were correct and she did not want to alter anything. The statement of 6th June 1967 was then read to her and she was asked some questions.

Nimmo "What about the content—is it correct?"

Mrs. Harris "I just said what I knew—I felt sure it was him but I couldn't swear it".

Nimmo "Are you now saying that the man who stayed in the attic bathroom was James Hanratty?"

Mrs. Harris "I'm not sure it was him, no. I don't know whether it was him or not".

Nimmo "You never mentioned the young man in the attic to either Gilbanks the enquiry agent, or Oakes in February 1967?"

Mrs. Harris "They never asked me about a man in the attic, did they, at the time?"

Heran "Referring to your answer to Mr Nimmo: I felt sure it was him but I couldn't swear it' what makes you feel sure it was him, Mrs. Harris?"

Mrs. Harris "As I've said before because it all fits in. Other people have said they have seen him and sent him here and that's the only reason".

241 In June 1967 Lord Russell of Liverpool had written letters to Lord Stenham then representing the Home Office in the House of Lords stating that Mrs. Harris had given evidence that as soon as her mother returned to Rhyl having put Mr. Hanratty in No. 4, Mrs. Harris pointed out the mistake and reminded her that Hanratty had slept in a small room which contained a green bath. According to these letters Mrs. Harris stated to the Hanrattys that she had served Mr. Hanratty with breakfast in a small room at the back of the house containing only two tables. Mr. Jones—her father—was in this room when Mr. Hanratty was having breakfast and her father was prepared to give this evidence before a commission of inquiry. Lord Russell accordingly advised Mrs. Hanratty to return to Rhyl and obtain a signed statement from Mrs. Harris which she did. This is presumably the statement of 6th June 1967. Lord Russell also said that Mrs. Jones had telephoned him and confirmed these matters. It is to be observed that the statement of the 6th June 1967 does not concern the points as to reminding the mother or the presence of the father. Neither lady on 18th July 1967 made these assertions. In July 1967 Mr. Jones was in hospital having had a serious abdominal operation. When the enquiries were made in February 1967 Mr. Nimmo saw Mr. Jones on two occasions when taking statements from Mrs. Jones or discussing the enquiry with her. He then indicated that he had no knowledge whatsoever which would assist the enquiry. Of course at that time the breakfasting matter had not been mentioned.

8. Finally I return to these two index there appears to be confirmation of their original attitude and knowledge contained in Mr Terry Evans statement made to Mr Nimmo on 14th February 1967. He said that he accompanied Mr Gribbbs on certain of his enquiries including those in Kinnel Street. They came to No. 19 and both spoke to Mrs. Jones and her daughter.

"Gribbbs asked Mrs. Jones and her daughter if they recognised the man in the photographs—if he had stayed at their house. At first they did not seem to know whether they recognised it or not but Gribbbs spoke to them and eventually she said that she thought he had stayed at her house and there was some conversation about dates."

This occurred before they Terry Evans and Mrs. Jones went to Bedford to give evidence. It is quite inconsistent with the statement by Mr Terry Evans which Mr Foot quotes in his book on p. 273 as having been given in an interview with Mr. Evans on 8th April 1970.

253. Mr Gwyn Jones. At the time his age was 15. On 25th November 1966 'Private Eye' published an article about the case in which it was suggested that Mrs. Jones' son said he actually spoke to 'the visitor' to Ingledene about girls. No such suggestion was made by Mr Hanratty in his evidence he said that the only person he spoke to was the lady who let him in. On 14th February 1967 Mr Gwyn Jones then aged 20—made a written signed statement to Mr. Nimmo. He said

"I know nothing about the Hanratty case except what my mother has told me and from gossip in the town which has been going on. I have never told any newspaper reporter or anyone else that I spoke to a visitor to 'Ingledene' about girls in the summer of 1961 and it is untrue that I ever did say anything of the sort. At the time of the Hanratty trial a man came and saw my mother and showed her photographs of the man Hanratty. He was the man who subsequently took my mother to Bedford. I saw the photograph but I did not recognise it as anyone I had ever seen before".

254. On the 24th May 1968 Mr Gwyn Jones made a statement which I shall quote in full

"I would like to state that James Hanratty stayed at our house on the 22nd August 1961. Beyond all doubt he spent two nights at our house and occupied the attic with the green bath. I saw him and spoke to him in our private room where he had his breakfast. At the time of Hanratty's trial for the 16 murder, I came home from work at Telcelure Ltd. Vale Park Rhyl, and was shown a photograph. I recognised the photograph at once as the man who had stayed in our house on the previous August 22nd and 23rd. I said that I knew him and was told that my mother's evidence was enough to clear him at the trial. I never had the chance to give evidence at the trial which I would gladly have done, and would still do now.

Signed

Gwyn Jones

In the presence of. J. D. Fox

Paul Foot"

255 There is no evidence in the records of Mr. Cyril Evans or Mr. Evans to support the assertions in the last paragraph. Mr. Coward Jones in February 1962 recognised Mr. Hanratty's photograph or said that he knew Mr. Hanratty. They are quite inconsistent with his statement of 14th February 1967.

256 *Mr. Terry Evans* — He too appeared on the Panorama programme of 7th November 1966. The interviewer put to him the evidence which has already been referred to.

"Prosecuting Counsel asked you 'had Hanratty any reason at all to think you would be you Mr. Evans, would be the sort of person who would be interested in disposing of stolen property' and you said 'no, I should not think so' Did you mean that?"

Terry Evans — "Oh no, all they allow you to say in these Courts is yes or no. What I wanted to say was that the evening he stayed in my house, I was talking with him about myself, Hanratty and three other chaps about everyday affairs, what we do and what we don't do and I did tell him, because I did know a chap, I told him at the time that I knew a fellow who would buy stolen property. I wouldn't say so in the Courts because I could not say what I wanted to say. I had to say yes or no. I had to say no because I wouldn't buy stolen property myself. But I did know a chap who would buy it."

Q "So if the Counsel in Court had asked you had Hanratty any reason to think you'd be a chap who could help him find somebody to buy stolen goods (yes) you'd have said yes?"

A "Yes, definitely yes, without a doubt."

Q "And you never had a chance in court to say this?"

A "No, all we done yes or no that is all they allow you to say."

Q "So Hanratty was speaking the truth when he said that?"

A "He was speaking the truth definitely yes because I'd already told the fellow and if they'd have let me say my mind maybe he would not be where he is today. It would have helped anyway."

257 Once again the Transcript of the trial demonstrates that these assertions have no foundation. Mr. Terry Evans had ample opportunity in saying anything he wished and he was fully re-examined by Defence Counsel. They are quite inconsistent with Mr. Justice Gorman's handling of the trial.

258 An incident which occurred on Monday 12th February 1962 provides a clear indication of Mr. Evans' attitude and the opportunities afforded to him to give evidence at the trial. Mr. Evans' evidence was taken and completed in the morning of Friday 9th February 1962 and Mrs. Jones gave her original evidence for the Defence a little later that morning. Cross-examination was adjourned. At the luncheon adjournment the Judge gave her the standard warning not to talk to anybody about the case. Despite this she spoke to Mr. Evans. This was observed by the jury and when the court resumed she was asked about it. She said it was correct but that "we were just talking."

Mr Evans was re-called and said he asked her if she had seen any Mr Harratty and she replied "I think so". At the end of the Friday Mr Evans, again in accordance with the usual practice, was released from further attendance at the trial. On the Monday he returned to Bedford on his own initiative and asked if he could add something to his account of the conversation with Mrs Jones at lunchtime which he had forgotten on the Friday. He was allowed to do so and said this:

"When Mrs Jones came out of the back room I asked her if she recognised Mr Harratty and she said 'I am almost sure'. So I said 'well I suppose the reason you might not have recognised him straight away was the colour of his hair'."

"So then I asked Mrs Jones 'What was the colour of his hair when she was supposed to have known him' and Mrs Jones said 'it was dark brown'."

(Later that Friday afternoon Mrs Jones in cross-examination when asked about her recognition of the photograph said:

"If he had had dark brown hair I would have known him straight away".)

The incident demonstrates that Mr Evans did not have any inhibitions or qualms about giving additional evidence or explanations, and perhaps it also throws some light on Mrs Jones' evidence.

259. Mr Harratty did not suggest in his evidence that he had taken part in or been present at any such conversation as that related by Mr Terry Evans in the Panorama Programme. Nor is there any trace of it in the written statement dated 30th January 1961 which Mr Terry Evans gave to the Defence.

260. Mr Terry Evans made three statements to Mr Norman in February 1967: two on 14th February and one on 31st February 1967. (He had previously made two statements to the police at Rhyl: these dealt only with the events of 25th July 1961 and the incident with the shoes.) In the first he said:

"I have lived in Rhyl all my life. I am well known in Rhyl. If Harratty was trying to find me in August 1961, if he had asked anywhere round the fairground he would have found me straight away."

261. The third statement was in these terms:

Terence Michael Evans further states: "I have never at any time been approached by any person and advised not to tell the whole truth at the Harratty trial. Nothing on those lines has ever been suggested to me. The evidence I gave at the trial was the whole truth to the best of my knowledge. I have never been known as John or any other name than Terry. The only person who has called me anything else was Ernie Gordon at the cafe who used to refer to me as 'Eddy'. Harratty knew me as 'Terry' in the 25th July 1961. I do not know whether or not he knew my second name. He might have done. When I say he knew me as 'Terry' I think I am right. He might not have known my name."

Mr. Jones, I don't know the name of the paper. When I saw the paper, I was surprised that it was a paper called the Rhyl General Advertiser, and according to the Transcript played this part in it.

Evans "After I gave evidence and his photo appeared in the paper, there was a paper seller on the prom called me over and told me that he remembered roughly, the exact date now I don't know but he remembered a chap coming to him and asking him, this Hanratty because he'd seen Hanratty's photo in the paper that day did he know where Terry, where he could find Terry? And so the fellow said 'Terry who?' and at that Hanratty said 'Oh I'll go to the fair and look for him'."

Morgan "We searched Rhyl for the paper seller and found him, Mr. Jones known locally as White is a new witness who did not appear at the trial.

Mr. White, I'm told that you met this man in Rhyl, is that true?"

White "Yes."

Morgan "Could you tell me what happened?"

White "Well, the night he came off the bus he just says to me, he says, comes up the road here from the bus station, and he says to me, he says 'Where is Terry?' I told him straight I didn't know who Terry was at the time, which I didn't (BACKGROUND). Terry I knew. So he says 'Which way do you go to the fairground?' So I pointed down the road, and he went down the road that way, he's okay, and then he come back he says 'Any idea where I can get digs?' he says 'Oh I said 'Yes', I says, 'Go to No. 19 Dummock? Street I reckon Mrs. Jones will put you up' (BACKGROUND). And that's all I seen of him after that. he went and I never seen him after."

Morgan "When do you think that was?"

White "It was—I do think it was close about, soon after seven o'clock or eight o'clock."

Morgan "And what day of the week, do you think?"

White "It was about, on the Tuesday, Tuesday night."

Morgan "What makes you think it was a Tuesday night?"

White "Well, simple reason why because the Rhyl General is out the next day."

Morgan "The Which?"

White "The Rhyl Rhyl General Advertiser is out the next day."

Morgan "What, on the Wednesday?"

White "On the Wednesday".

Morgan "What, and you sell the Rhyl Advertiser?"

White "And a person had just been to me and asked me if I'd got it and I hadn't got it. Another person who I don't know."

Morgan "And you're clear in your mind that this was the man?"

White "Yes, I is the man. It is him what come to me that day."

Mr C. W. Jones is quoted as saying:

"well I had never been in the paper office and I really do not remember when I saw Harrerty. It was no good saying Terry."

264. On 24th November 1966 Mr C. W. Jones made a statement to Chief Inspector Oakes at Prestatyn Police station containing similar assertions as those made in the Panorama programme. He said he could not give a date but it was a Tuesday in August before 7 o'clock. He again made it clear that the young man asked for Terry and that no name but Terry was mentioned. He said:

"A young chap asked 'Do you know where Terry lives?' I turned round and said 'Terry who?' I know so many Terrys."

265. On the 12th February 1967 Mr C. W. Jones made a statement to Mr Nimmo. His account was generally speaking in similar terms but he added three points of importance. First he said that the time of the year was July, August or September—he could not say which. Second, he could not say exactly which day of the week it was—every day was exactly the same as far as his routine was concerned.

"I know I have said to other people that I thought the incident happened on a Tuesday but it's no use me saying now that it was a Tuesday—I just do not know. There was a reason for me saying it was a Tuesday which I will explain to you".

The explanation was given later in the statement when Mr C. W. Jones made it plain that the idea that it was a Tuesday did not emanate from him but was suggested to him. Thirdly that he could be reasonably certain of the time—viz. that it would be about 6.30 p.m. to 6.45 p.m. because he was around the Crescent Road Bus Station which he left at about 7 p.m.

266. Finally on 14th March 1967 Mr C. W. Jones made a third statement to Mr Nimmo—this time under caution—following upon an interview with Mr Nimmo and Mr Horan that morning. In this statement after expressing regret that he did not tell the truth at first he said:

"I'm sorry in my heart I ever got mixed up in it and it is a relief to get it off my chest. That story I told on the B.B.C. and the story I told you when I saw you is not true".

267. It is worth noting at this stage that:

- (a) There is no mention in Mr. Harrerty's evidence of any conversation at all with a paper seller.
- (b) According to his own account the only name by which Mr. Harrerty knew Mr. Terry Evans was "John" and the person he asked for was "John".
- (c) Mr. C. W. Jones from first to last said he was asked for 'Terry' and has never mentioned the name "John" in connection with this matter.

(1) the photographs shown to her she said

they "are very like the man who called here, but the light was dark. Mind I couldn't swear it was him"

27 On 13th February 1967 she made a statement to Mr Nimmo. She explained that she went to the police on the 8th February because on the 1th February there was a crowd round Mrs Jones' house and someone said Mrs Jones had to go to a murder trial. This made her wonder if this was the man who called at her house that day. So the following day she went to the police station and made the statement of 8th February. She confirmed that it was a true statement. She said that the man who called a couple of days later did not show her a photograph. (Though this seems somewhat surprising. There is a contemporary note on the file of the Hants. re police about Mr Frank Evans call on Mrs Walker on 14th February 1962 in which it is explained stated that no photographs were shown.) She then confirmed her second statement made on 19th February. She said

"The position now is exactly the same as then. I cannot go beyond what is in my previous statement. The man whose photograph which the man sometimes 'Banks' showed to me looked similar to the man who had called at my house. It was mainly the way he was standing that caused me to say this"

In this statement she put the visit of Mr G Banks as before the end of the trial

28 On the 3rd June 1967 she made a fourth statement to the University family in which her account of the incident and the visit was put in the terms. She said in reference to the interview in February 1967 that Mr G Banks showed her two photographs and she identified from one the man who had called to see her on 22nd August. She asked if she would have to go to court and if she could go up to court. He said "it wouldn't be necessary". Mr G Banks then told her that the man she had identified in the photo was James Hanratty of the A6 murder"

29 On the 3th July 1967 Mrs Walker was interviewed again by Mr Nimmo and Mr Horan in the presence of Mr John George J.P. Mr Henry Jones her solicitor and Mr B. Berkson, solicitor

(a) The statement of 8th February 1962 was read to her and her comment was that she gave the police the date on that occasion

"Mr Oakes asked me if I could give the date and I told him it would be the Tuesday before the Friday the 25th

(Nothing appears in the statement which was signed by her and witnessed by D. C. Edward P. Griffiths).

(b) She was asked about the statement of 19th February 1962 and disagreed with certain aspects of it. She said

"I did tell the man it was definitely him"

She said that on this occasion she had not seen any of the photographs in the papers.

"... I saw we were waiting for a man and they were definitely of the man who came to the gate"

She asked another question to Mr. Nance of the 13th February 1967 and she said

"It seems all right it's a bit difficult isn't it going back nearly 6 years but I could have a habit of standing with my hand on my hip and one of the photographs was of that boy with his hand on his hip"

Q She was asked about her statement of 3rd June 1967 and she said the photograph Gilbanks showed her was definitely the man who came to her gate and that she knew Mr. Gilbanks was

Q "Was the photograph the Harrattys showed you the man who came to your gate?"

A. "Yes"

Mrs. Walker "I was not supposed to have a letter but I didn't need the letter because when I saw the father (Harratty) the son was so like the father I didn't need the letter seeing the father you could see the son".

(This referred to her being informed prior to the Harratty's visit that they would bring with them to identify themselves the original letter which Mr. Harratty wrote on the eve of his execution)

224 On 3rd November 1967 Mrs. Walker made a further statement in the presence of her solicitor Mr. Hugh Jones and Lord Russell of Liverpool. In this she said she confirmed her statement of 3rd June 1967 and in particular the fact that the photographs produced to her by the Defence were produced during the trial and not after it was over. She said

"My conviction that the man who had called upon me on the 22nd August 1961 was in fact James Harratty is quite unshakeable"

She also said that she was absolutely certain that the date the young man called on her was the 22nd August 1961 the date being impressed on her by certain family events.

225 Mr. Gilbanks on the 20th February 1967 was asked about two newspaper articles in November and December 1966 in which Mrs. Walker is quoted as having said that she made a positive identification when shown the photographs by him. In one of these it was reported that when Mr. Gilbanks showed her Mr. Harratty's photograph she said

"You needn't bother showing me any more that is him"

Mr. Gilbanks said that this was not correct and that the position was as set out in her statement of 9th February 1967. If she had seen any photograph before the one produced that presumably would have been on the occasion of Mr. Gilbanks' visit on 10th February 1967. Had there been a positive identification that date would have been a date before the trial ended it is not likely that Mrs. Walker would not have been called by the Defence. It would have been a matter for Mr. Gilbanks to have arranged the day

and that it was not until 1967 that Mr. Collman would have known that the dog was not his. I did not say 1967 that the only way to make a positive identification if that had been the fact.

276 In his written submissions Mr. Bindman states that when Mr. Harratty's father visited his son shortly before the execution he said:

"Surely you remember something about these people at Rhyl."

His son then described the alsatian dog he had seen when he went to Mrs. Walker's house and the father remembered seeing a photograph of the same dog when he visited Mrs. Walker at her home.

277 On 11th February 1975 Mr. Bindman sent me a copy of a letter dated 11th February 1975 from Mrs. Walker's solicitors relating to this matter. It states that "he owned an alsatian dog between 1954 and 1964 that it was with her when Mr. Harratty is alleged to have called at her house on the evening of 22nd August 1967 that in fact he stroked it and asked her if it would bite. The letter states that the dog was constantly with her at the time

and would certainly be with her when she was standing in front of her house speaking to James Harratty."

The letter also refers to a conversation with Mr. Harratty senior in 1968 in which the incident of a photograph of an alsatian dog was discussed. Mrs. Walker indicated that she felt it was strange that his son never mentioned the dog in court.

"In response Mr. Harratty indicated that his son had in fact mentioned the dog in court. Our client cannot recall any particular reaction other than this on the part of Mr. Harratty senior or any other conversation.

278 The alsatian dog was not mentioned in court nor is it referred to in any of Mrs. Walker's statements. If the incident occurred and Mr. Harratty was the man who made the enquiry, it seems surprising that he did not recall and mention it. His evidence as to five or six attempts to find accommodation before arriving at Mrs. Jones is singularly lacking in detail.

279 Mrs. Margaret Vincent 23 South Kinnel Street, Rhyl. She made a statement to Mr. Gilbanks on 19th February 1962. She said that "about the third week last August Mrs. Walker (No. 12) was talking to a young man at her gate. He went from her to another door and then came to Mrs. Vincent's door. He wanted bed and breakfast for 2 nights. She said she had no vacancies and suggested he go further on and if not successful to try the houses on Kinnel Street at the back of her.

"I have seen the picture of James Harratty in the Sunday Pictorial and I seem to recognise his face".

"The man who came to me was about 23-27 years, had a dark suit and was neat and tidy. His hair was straight back and his face round. He was taller than me (5ft 2in) and spoke nicely".

280. On 13th February 1967 she made a statement to Mr. Nimmo which contained the following information:

- (a) "I don't know exactly when Mr. and Mrs. Harriet were staying in my house. On the Tuesday of the week they were staying with her."

"As far as I can remember it was Tuesday 22nd August 1961."

"Mr. Harriet went to the cinema at the Pavilion. At about 7.15 p.m. a man came to bell at her door. About a quarter of an hour before she recognised him standing about 3 doors higher up than Mrs. Walker's. He had a small case with him. She could not say whether the man she answered the door to was the same man as she had seen earlier."

"This man (who called) was a man of about twenty odd wearing a dark suit. I didn't really take much notice of him."

"He asked if she could put him up for a couple of nights. She said she couldn't and directed him to Kinnel Street. She had had conversation with Mrs. Walker since the incident."

- (b) "She said that in February 1962 a man called and took a statement from her."

"He showed me a photograph of a man. This was the same photograph I had seen in the newspapers a bit earlier. I told this man I seemed to recognise the photograph that it seemed very like the man who had asked me for bed and breakfast. That is the position as far as I am concerned. The photograph I saw in the newspapers and the photograph the man showed me are similar to the man who asked me for bed and breakfast but if someone asked me to swear on it I wouldn't like to."

Further on in the statement she said that thinking back on it

"I now say that the first photograph I saw was the one that the man who had something to do with the murder trial showed me. It was later I saw the newspaper photograph."

This may be a reference to the call which Mr. Frank Evans presumably made to her perhaps on the same day as he called, or Mrs. Walker.

281. On 3rd June 1967 Mrs. Vincent also made a statement to the Harbottle family giving a similar account of the incident. She said

"I have made two statements one to a man from Bedford and one to Mr. Nimmo. The man from Bedford said that my evidence wasn't strong enough to be used. The man from Bedford showed me two photographs and I picked out from these two the young man who had asked me if he could stay a few nights. He was identified as James Harbottle."

282. Finally she was interviewed by Mr. Nimmo on 18th July 1967 in the presence of Mr. John George, Mr. J. B. Scoweroff, her son-in-law and Mr. B. Williams. Her two statements of 19th February 1962 and 13th February 1967 were put in evidence but did not seek to challenge them. Mr. Scoweroff asked her some questions about the Harbottles. She said she only had people here in the house about once a week. As far as the couple stayed one week and the

He said that he was not a member of the Rhydol and that he was not a member of the Rhydol and that he was not a member of the Rhydol.

283 On 14th February 1967 Mr. James Arthur Barnett made a statement to Mr. Nunn. It was confirmed by his wife who was present when he made it and signed it. Mr. Barnett is a clerical person. He has a record of 120 days since 1953. In his statement he said that he always had two weeks holiday starting on the first Monday in August. He and his wife spent the first week at home and the second week away. The statement sets out details of the holidays since 1953. The Barnetts stayed at Mrs. Vincent's for the first time in 1963 and continued to stay there in the following years. Mr. Barnett said:

"I am absolutely positive that we were not in Rhydol in 1961."

He also said that they had never been to the circus in Rhydol.

284 Christopher Edward Larman made two statements. The first to the Staines police on 16th February 1967 and the second to a Mr. Oliver (acting for Mr. Harratty) on 21st February 1967.

285 In the first statement Mr. Larman said he had gone to Rhydol in October 1960 after a breakdown in health. He had found employment there. His last day worked was 9th August 1961 and he decided to have a week's holiday in Rhydol and travel back to London the following Saturday (26th August). On 21st August 1961 he drew out £10 from the Post Office and said he remembered going out the following day with this money to see friends and say goodbye. After visiting a couple of pubs he left a third one at approximately quarter past seven and as he did so a man asked Mr. Larman if he knew a place for bed and breakfast.

"This man was aged about 28-30 years, about one inch taller than me which makes him about 5'6" tall. He was of medium build, clean shaven, there was nothing unusual about his complexion. He was not wearing a hat and I noticed his hair was black but as he walked away from me with the sun shining on it his hair had a bronze effect in parts of it. He was not wearing an overcoat or raincoat and had a dark suit on without a waistcoat. He was wearing a shirt with collar and tie. He was a well spoken man with no particular accent".

Mr. Larman said that the incident occurred at the corner of Bedford Street and Kenmore Street, Rhydol. It would appear that the spelling is incorrect and that the corner of Bodfor and Kenmer Streets was being referred to, and he directed the man to Mrs. Jones by pointing out the Windsor Hotel and telling him that her place was right opposite. The man walked off in that direction and that was the last Mr. Larman saw of him. This corner is a very short distance from No. 19. Mr. Larman said:

"He was not carrying a bag of any kind".

Mr. Larman said he saw Mrs. Jones' photograph in the newspapers. Up to that time he had not been interested in the case but seeing her picture he started to read it.

... and ... back ... about ...

He ... will ... giving the ... He said he was prepared to attend court and give evidence. He ended that

... to recognise the man who spoke to me in Rhyd ... I saw him again".

... 21st February 1967 Mr. Larman said that on ... he saw photographs in the Sunday papers of James Hanratty

... that I had seen him before and also the occasion when and where I had".

His ... and description was in similar terms. He said he ... because of his hair which was most outstandingly ... dark in parts. He added however that the man had a London accent. He said

"I am able to say that it was definitely the 22nd August as on that day ... on the 21st August 1961 I had been to the Post Office ... to London ... and having drawn the money on the 21st August 1961 I bought the ticket on the 22nd August at Rhyd Station".

He ... of the places he visited on 22nd August but ... before ... the encounter. He produced his Post Office book to Mr. Oliver and the statement proceeds

... on the 21st August 1961 to purchase my ticket to London ... on the 22nd August was for travelling expenses and paying the rent before I left".

He concluded

"The photographs I have seen shown are definitely of the man I saw and spoke to at about 7.30 pm on Tuesday 22nd August 1961

28. Mr. ... did not interview Mr. Larman in 1967 as he had by then emigrated to Australia

29. Mr. ... interviewed Mr. Larman on 21st September 1968. At p 123 ... from Mr. Larman's statement to Mr. Oliver, Mr. Foot says

"Mr. Larman was able to identify the date of this encounter as ... August 1961, for on that evening he was on a round of Rhyd public ... friends in Rhyd before leaving the town the following day ... To reassure himself that he was not wrong in the ... 1961 diary at the time which he ... the following notes

"Left for London on August 23rd 1961"

289 Mr P. [redacted] He wrote to the Defence using the fact saying that he saw Mr. Hanratty on Day at approximately 10 pm on the date of the murder. Not unfortunately the Defence did not use as evidence.

290 Mr A. [redacted] He was visited by Mr. Keenan in Warrasworth Prison on the 21st February 1962 and made a statement. He said he was discharged from Warrasworth Prison on 21st August 1961 and stayed in Liverpool. At midday on the 22nd August he caught a train from Lime Street station for London. He stated that just before noon he saw Mr. Hanratty (whom he had met in Strangeways in 1959) at Lime Street station. His hair was dark brown. Apparently Mr. Keenan pointed out that Mr. Hanratty did not arrive in Liverpool until 4.30 pm on 22nd August but Mr. K. persisted in his statement that he had seen Mr. Hanratty at 12 noon. No attempt was made to utilise this statement.

292 Mr. Arthur Da Costa. He made a statement to Mr. Oliver for the Defence on 20th February 1962. He made a further statement on 26th February 1962. He said that when he saw the photograph of Mr. Hanratty in the papers he knew he had seen him before but could not think where. After seeing a cutting which mentioned Fusion he remembered travelling to Northampton on 22nd August 1961 from Fusion. He saw Mr. Hanratty on that occasion and remembered him because being himself an actor he noticed that Mr. Hanratty's hair looked dead. He described the man as being "perplexed" "glaring" "manicured" "bizarre" "potential actor". Mr. Hanratty was wearing a grey coat. He also saw a severe "pud" "pud" of Mr. Hanratty and said it was without doubt him. He saw the man for about 30 seconds and said. The man was wearing a "dark suit with no waistcoat. Mr. Da Costa is 5' 10 1/2" the man appeared to be his height or a little taller.

"He was not really looking. He looked like a night club type, pale and haggard looking".

The time was between 10.45 and 11.20 a.m.

293 Mr. P. Terry. He wrote to Mr. Hanratty on 5th March 1962 suggesting in the vaguest possible terms that he had been on the train with him.

294 Mr. George McFarr. He made a statement on 12 March 1962 claiming that he noticed Mr. Hanratty in a compartment when he was passing that compartment in the train at Liverpool which left London about midday on 22nd August 1961. His statements of Mr. Da Costa, Mr. Terry and Mr. McFarr were sent to the Home Secretary in March 1962.

295 Mr. Joseph Christopher Gannon. He made a statement to the Liverpool police on 24th February 1962 in which he describes conversations with a man in Liverpool on 28 September 1961. The statement carries the matter no further.

297. On 14th February 1967 Mr. Fish made a statement to Mr. Nunn in which he said that at the time of the trial he saw the photograph of James Hanratty in the newspapers.

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On the day after the murder, Mr. [redacted] saw a photograph of Mr. [redacted] in a newspaper. It was the first time he had seen a photograph of Mr. [redacted].

Q. And you don't like to remember seeing in the Sun Hotel in August 1961?"

3. The payments made by Mrs. Betty Davies her husband, Mr. Noel Davies and a rather rich Mrs. Margaret Davies are dated 20th May 1968. These came into existence in consequence of a visit to Ravi by Mr. and Mrs. Manroby.

And Mrs. Betty Dovers. She lived at 21 Kennel Street. She gave birth to a baby which died on 31st July 1961. On an evening late in August she could not remember the exact date, a young man called in his twenties, involving-looking, dark hair, and softly spoken. He had no luggage. He asked for bed and breakfast. She refused and suggested he try further down the street. She then told her mother-in-law about the incident and her own husband when he returned. Some months later a man came and asked about a green bath. About the same time a uniformed policeman called and showed her an outline sketch of a man and asked if she recognised it. She said she could not. She said she had read and talked about the Hauratty case since and she believed that the caller could have been James Hauratty.

(4) Mrs. Margaret Davies. She lived at 27 South Kennel Street. She was visited by Mrs. Walker one evening the third or fourth week of August 1961 when told her that a man had called looking for dogs. While Mrs. Walker was there her daughter-in-law ran in and said that a young man had called to ask for dogs and she had told him to try further down the street. Mrs. Davies said he could not remember the exact date but Mrs. Walker could because of the family matter which was settled on 25th August. On the day when her daughter-in-law came in Mrs. Walker was telling her about the family matter.

10. Mr. Axel Bauer. He said that one evening in late August when he returned home about 9:30-10:00 p.m. his wife told him about the accident with a man. He could not remember the exact date but it must have been late August or in early August he would have been in the house every night until about 9:30 p.m.

305. Mr. Trevor Flood Dutton. He made a statement to the police on 26 February 1962 in which he said that a customer mentioned that Mr. Happony claimed he wanted to sell a watch to Rhv and Mr. Dutton recalled an occasion when a man tried to sell him a watch. Mr. Dutton said he was able to fix the watch on 2nd August 1961. He could not describe the man.

I can't say what he was dressed in but I think he had an overcoat or a thick sports jacket".

In May 1962 he made another statement. He said he never looked at the man's face but

'...we found a small dog curled up his coat - which I thought, may have been a weasel. It was two shades - dark grey and a light grey like an Irish weasel'

1. The Court has been told by the police in the case of Mr. Harratty's report that he had a gold watch which he had offered a gold watch.

306 Mr. Harratty did not suggest in his evidence that he had tried to sell a gold watch in Rhy.

307 Mr. Dutton's particulars were given to the Defence.

308 Mr. Gerard Murray I understand that in 1971 he informed Mr. and Mrs. Harratty that in the late summer of 1961 he had given Mr. Harratty a haircut and had recognised him from his pictures in the papers following the trial. The description which Mr. Harratty gave of the barber's shop in which he said he had a shave (not a haircut) apparently fits that of Mr. Murray's shop. Mr. Harratty never suggested in evidence that he had a haircut in Rhy.

309 However on the 14th February 1967 Mr. Albert Croft made a statement to Mr. Nimmo. He had a hairdresser's saloon in Wedington Road, Rhy, with four chairs and four assistants. The only barber's shop in the High Street had one chair. At the time of the Harratty trial Mr. Croft saw his photograph in the papers.

"I did not recognise it as anyone I had seen previously who has had a haircut or shave in my establishment".

310 Mr. Frederick Stanley Davies made a statement to Mr. Nimmo on 17th February 1967. He said that on a Sunday in October 1961 he spoke to a man in the Rhy Railway Station who said he had come off the boat from Ireland at Holyhead.

"He then enquired about an address somewhere round Kinnel Bay I think".

After describing the man Mr. Davies said that when he saw a picture of Mr. Harratty in the papers he recognised him and felt sure that it was the man he had seen in Rhy Station. In consequence Mr. Davies went to Rhy Police Station and gave a Constable this information. Mr. Harratty denied in cross-examination that he had been in Rhy in October.

Assessment of the "Rhy Alibi"

311 This is one of the most important elements in the case. I have had the opportunity of reading all the relevant statements. Mr. Nimmo's reports, the numerous representations which have been made about it, newspaper articles, transcripts of radio and television broadcasts and the very detailed arguments presented by Mr. Foot. Most of the material was not before the jury — though some of it, such as the evidence of Mrs. Harris, Mrs. Walker and perhaps Mr. Foot could have been called. No application was made to the Court of Criminal Appeal for leave to call fresh evidence. Although by that stage the evidence of such persons as Mrs. Harris, Mrs. Walker, Mrs. Vincent, Mr. Fish, Mr. Langan and Mr. Du Costa was undoubtedly available to the Defence, statements from Mrs. Walker, Mrs. Vincent, Mr. Langan, Mr. Du

... of the fact that the ... the ... was ... How ... Mr. Hanratty ... the ... Mr. Hanratty's ... the ... was dismissed ... the ... Mr. Hanratty's ... either to the ... the ... of applying to the Court of Crim. App. ... the evidence. Decisions on such matters are often extremely ... had these witnesses been presented to the Court ... Appeal ... when their recollections were comparatively ... have been properly tested and the Court would have ... of deciding on their reliability and the extent to which their evidence supported the alibi.

... the evidence and arguments relating to the ... the ... to look again at the background and the context into which they must be set.

... I have already outlined the general circumstances of the alibi including Mr. Hanratty's account of his reasons for going to Liverpool on the 27th August and what he did there. His reasons for the trip to Rhyland and what he did there in Liverpool and Rhyland are interlinked and inter-dependent and must be considered together. I summarise these matters so that they can be evaluated:

- (a) The purpose of the visit to Liverpool was to sell a diamond ring for £350 because Mr. Hanratty could not get his price in London.
- (b) To Mr. A. whom he had not seen for 3 or 4 years who was in the "grocery business" and whom Mr. Hanratty said he had no particular reason to think would buy or introduce a purchaser for stolen property.
- (c) Mr. A. lived at an address which Mr. Hanratty only knew as a road named Tarkenton, Carlton or Talbot Road.
- (d) Defence enquiries in December 1961 established that Mr. A. had lived in two roads in Liverpool but that their names bore no resemblance to Tarkenton, Carlton or Talbot Road. In his statement of 20th February 1967 Mr. C. Banks said that Mr. A. had not lived in Tarkenton Street and added:

... the instructions I was receiving were so hazy and misleading that to be blunt they were having me bewildered.

- (e) Having gone to the Scot and Road and then returned to town Mr. Hanratty gave up the search for Mr. A.
- (f) Mr. Hanratty decided to go to Rhyland some 7 hours bus journey, ... a man who had befriended him and put him up on the night of the 28th July 1961.
- (g) A man whom he had stolen a pair of nearly new shoes.
- (h) A man whose name was Terry Evans who was a very distinct ... was ... and was well known to him.
- (i) A man whose Mr. Hanratty said he had under the name of John ... Evans was ... by ...

- (c) A man whose knowledge of the trial was that he did not think Mr. Harratty had any reason at all to think he would be the sort of person who would be interested in disposing of stolen property.
- (d) Mr. Harratty stayed in a house for 2 nights but did not know its number, or the name of the street, or the name of the people living in it, or how to find it, although it was very easy to find in one of Rhyl's main streets with prominent landmarks.
- (e) He made no attempt to go to Rhyl and find this house between 7th and 14th October when up in the Liverpool-Blackpool area. On 9th October Mr. Harratty apparently sent flowers to his mother from Liverpool. On 10th October 1961 Mrs. Margaret Ash and Mrs. Alice Ash who both owned florist's shops at 414 and 67 Scotland Road respectively made statements regarding the flowers. They were actually purchased from Mrs. Alice Ash's shop, the card being addressed to Mrs. Harratty, 12 Sycamore Grove, Kingsbury, London N.W.9. If, as appears to be the position, the person who called in at Mrs. Margaret Ash's shop was Mr. Harratty he was accompanied by another man. Both ladies spoke of the man producing a considerable amount of money (I do not think it can be suggested that Mrs. Dinwoodie was referring to Monday 9th October in her account of the sweet shop incident).
- (f) For over 3 months Mr. Harratty kept up a totally false story of where and with whom he stayed on the nights of 22nd and 23rd August.
- (g) The Rhyl story was never mentioned to anyone until some time after 17th January 1962 when it had become clear that there was not and would not be any evidence to support the Liverpool story. According to Mr. Foot the Rhyl story was not revealed to Mr. Harratty's solicitor and Counsel until after the trial had started. It is noteworthy that Mr. Harratty admitted that when he saw the Franceses on his return from the North in late August he did not tell them he had been to Rhyl, though he did show them the bill from the Vienna Hotel.

314 In my view the story of the visit to Liverpool on 22nd August to seek Mr. A. is so improbable as to be unacceptable in the absence of clear evidence to support it. The only possible evidence that Mr. Harratty was in Liverpool on the Tuesday afternoon which the Defence sought to rely upon was the sweet shop incident. The jury must have found themselves unable to accept Mrs. Dinwoodie's evidence as being any support for the contention that Mr. Harratty visited her shop on Tuesday the 22nd August 1961. I can see no reason to differ from their view. Indeed, for the reasons which I have already indicated I think that there are even stronger grounds than were available to the jury for believing that this incident occurred on the 21st and not the 22nd August.

315 In my view his story of the visit to Rhyl to seek Mr. Terry Evans is equally improbable and unacceptable in the absence of clear supporting evidence. The jury plainly rejected Mrs. Grace Jones' evidence. So far as she herself is concerned her subsequent statements and behaviour could only lead to cast even greater doubt upon the credibility and reliability of her recollections.

It is also a fact that the points could be taken in mind

- (b) It is well known for decades that events which occurred six or seven years ago. Recollections 3, 4, 5, 6 or more years after the event are not reliable direct facts and unreliable especially when fed with the evidence from and talk of others. This latter factor may account for the otherwise remarkable fact that many witnesses' recollections appear to have improved instead of waning over the years until one takes for example that Mrs. Margaret Walker who on the 1st February 1962 could go no further than

"The photographs of James Hanratty are very much like that young man but I don't want to commit myself. I could not swear it was him".

was on the stand in 1967 her unshakable conviction

that the man who caded on her on the 22nd August was in fact James Hanratty

- (b) All the Rhy witnesses (with the exception of Mrs. Jones and perhaps Mrs. Harris) were endeavouring to identify a man, after a lapse of over six months, with whom they had a chance encounter of a quite casual character lasting a very short time and were trying to identify him when being shown a photograph of one man and no one else

3.7 I now turn to the Jones family. The original trial and the subsequent investigation established beyond all real question that the house was laid during the nights of the 22nd and 23rd August 1961 that Mr. Hanratty could not have stayed in room No. 4 and that the only possibility of his having stayed there if he did was that he slept in the front attic room which contained a single bed and the green bath. His own general description of the room and its position at the back does not fit this but far more important is the fact that the house itself made no mention whatsoever of sleeping in a room which itself contained a bath - about as unusual a circumstance as one could imagine. He saw no one and no one saw him. Mrs. Jones could not recognise two persons who undoubtedly did stay there but claimed that she could recognise him. She never mentioned to anyone at the time her "mistake" about room No. 4 and the attic room although she gave evidence on Friday 9th February returned home and gave evidence again on 12th February 1962. It is worth noting that on the Panorama programme of November 1966 she was still claiming room No. 4. Mr. Gwyn Jones' statements contradict one another and do not fit Mrs. Brenda Harris. Mr. Hanratty never mentioned speaking to or being spoken to by any member of the family except the middle aged lady who claimed to be his mother and Mr. Gullbanks was instructed that the woman speaking to him was not Mrs. Whether Mr. Hanratty was really describing Mrs. Barry (the mother) or whether he in fact stayed in Mrs. Jones' house on the night in question I do not know. There is in my view no reliable evidence that Mrs. Jones knew of his presence in her house. Indeed I think that the whole case against him is built on a shaky foundation and establishes that he did not do so.

3.8 It is also a fact that the evidence that he was in the house on the night of the 22nd and 23rd August 1961 is not

... Mr. Hantaty ...
... even in the face of one of his sources
of other misconceptions.

9 Mrs. Walker. The differences between her original statement and her later statements and the remarkable "development" of her evidence do not predispose me to accept her as a credible or reliable witness. In her first statement of 8th February 1962 she was only able to put it as "one night in late August 1961" some time during the third week of that month. By the 19th February 1962 she said it was definitely the Tuesday (not the Wednesday or the Thursday) before the 25th August. The photographs she said were very much like the young man but she did not want to commit herself and she couldn't swear it was him. If that statement is correct she had by that time seen Mr. Hantaty's photograph in the weekend papers. There is a plain conflict between her evidence in 1962 as to what she said she told the police on the 8th February 1962 and her written statement of that date and an even plainer conflict between on the one hand her evidence in 1962 as to what she said to Mr. Gribb on the 19th February 1962 and on the other hand both her written statement of that date and his evidence as to what occurred on that occasion. In both cases I think that the probabilities are overwhelmingly against her subsequent versions of these two matters. A crucial point is the question of luggage. If Mr. Hantaty went to Rhyl he must have taken his suitcase with him. He made it clear in his evidence that he did so and stated twice that on returning to Liverpool from Rhyl on Thursday 24th August 1961 he put his case in the left luggage office at about midday. In her statement of 8th February 1962 Mrs. Walker said "The man had no luggage at all." I shall indicate my assessment of Mrs. Walker after considering Mrs. Vincent.

320 Mrs. J. Vincent. It seems plain that her belief that she could relate the incident of the young man to the story of the Hantatys is not well founded and is an indication of a not very good memory. On the 19th February 1962 she could go no further than to say:

"I have seen the photograph of James Hantaty in the Sunday Pictorial and I seem to recognise his face".

In that statement she did not mention luggage. The first mention of this is on 13th February 1962. Her later statements do not really carry the matter much further.

321 Mrs. Walker and Mrs. Vincent. If there were any reliable evidence that Mr. Hantaty stayed in Mrs. Jones' house on the nights of the 22nd and 23rd August these ladies might have provided some additional support. In the absence of such evidence I do not think that they could or would have carried the matter any further.

322 Mr. and Mrs. Davies and Mrs. Davies senior. I do not feel that their accounts of these matters given so long after the events and in the circumstances which I have indicated could provide any reliable evidence or indeed any evidence at all as to Mr. Hantaty's presence in the area at the material time. Mrs. & Mr.

the man had no luggage.

Mr. Robert Henry Jones When he made his statement to the Home Office it was not even a photograph to assist in identification. It is true that even so, the old Mr. Norris said he recognised Mr. Harriss from his photograph of the trial but that statement was of course long after the numerous discussions and visits to the town in the years following the trial. He said "the man did not have any luggage with him".

Mr. Christopher Edward Larnan He said that he being then on the corner of Kinnel Street and Bedford or Bedford Street speedily pointed out Mrs. Jones' house and the man walked off in that direction. The evidence from the position where this occurred in relation to Mrs. Jones' house and the bus station is that the man had just come from the bus station. To his first statement his description of the man fitted Mr. Harriss even in so far as respects the man was not wearing a waistcoat and he was well spoken with a particular accent. In that statement Mr. Larnan said he would not be able to recognise the man again. Mr. Larnan's particulars were apparently passed on to the Defence. His second statement on 2nd February 1962 varied slightly from the first, the only material respect being that he said the man spoke with a London accent. He was definite that photographs in the newspapers and those he was shown were photographs of the man he had seen on Tuesday 2nd August 1961.

Four aspects of his evidence require attention.

- (a) The time. In his first statement Mr. Larnan said "was about 7.15 p.m.". In the second about 7.30 p.m. Neither time could fit with Mr. Harriss' account since if that were correct he could not have reached Rhyl until 8.19 p.m.
- (b) His statement on the 16th February 1962 that "he was not carrying a bag of any kind".
- (c) The date. In his original statement he said in plain terms that he left Rhyl on Saturday the 26th August 1961. This is confirmed by his second statement to the Defence from which it is clear that his test Officer book showed a withdrawal in Rhyl on 25th August. Mr. Fox says that Mr. Larnan was able to deny the date of the encounter as 2nd August 1961 for on that evening he was on a round of Royal Public houses bidding goodbye to friends in Rhyl before leaving the town the following day. If that were correct the encounter would have been on the Friday the 25th August.
- (d) Mr. Larnan's evidence cannot really be reconciled with that of the witness or with that of Mr. Harriss himself. If Mr. Larnan's encounter with Mr. Harriss the encounter was a daytime when the sun was shining and he was directed to and went straight to Mrs. Jones. Mr. Harriss says that the encounter was at night and that he arrived at Mrs. Jones' house via Mr. Walker's house which is a short street off the main road. It is not clear from this account why Mr. Larnan

at 10.15 p.m. occurred. In Mr. Potts' book it is stated that the file closed 25th February 1962. Mr. Gibbons agrees that Mrs. Walker fixed the time owing to her domestic arrangements and because it was getting dark and the street lamps were on (P.F. 242).

325. *Mrs. Hughes.*—Her description to Mr. Terry Evans in 1966, his identification of the man she described, her statement to Mr. Nimmo in 1967 and the entire absence of any reference to this incident by Mr. Hanratty all demonstrate that her "identification" in 1972 is of no value.

326. *The Dame's Cafe Witnesses.* Their evidence does not support Mr. Hanratty's account of anything that tends to negative his story.

327. *Mr. F. S. Davies.* If his evidence as to identification were accurate Mr. Hanratty's denial that he was in Rhyl after August 1961 was untrue and the question would arise as to what he was doing there, whether he stayed there and if so where. This evidence does not really assist.

328. *Mr. Dutton.* His evidence does not in my view assist the Defence.

329. *Mr. Da Costa.*—The coat, the height, the description and the general circumstances lead me to the conclusion that his evidence could not provide reliable support to the Defence case.

330. I do not think that the evidence of *Mr. Terry* or *Mr. Moffat* carries the matter any further.

331. A point has been made by Mr. Bindman that none of the identifying Prosecution witnesses referred to the suit as having a stripe. I doubt whether this is a point of any importance in relation to a very short sighting or encounter but it is worth mentioning that it applies equally to the Rhyl ladies and Mr. Larman.

332. Although Liverpool and Rhyl have been, and require to be—dealt with separately they cannot be considered in isolation. A proper assessment of Rhyl cannot be made except in the context of the complete account given by Mr. Hanratty of his movements after leaving the Vienna Hotel on the 22nd August 1961.

333. The case against the alibi can be very briefly summarised in this way:

- (a) The original lies about the "Liverpool Alibi"
- (b) The strong probability that the "Liverpool Alibi" was not a "spur of the moment" invention
- (c) The improbability of the reason for the visit to Liverpool and the story about Mr. A
- (d) The powerful evidence that the sweet shop incident took place on Monday 21st August 1961
- (e) The improbability of the explanation for the visit to Rhyl

(f) The extraordinary failure to find Mr Terry Evans

- (g) The failure to go to Rhyl between 7th and 11th October 1961 and locate the "very easy to find" street and house
- (h) The impossibility of there being any room in Mrs Jones' house on the relevant nights which Mr Hanratty could have occupied save, perhaps, the attic room
- (i) The complete failure of Mr Hanratty to suggest that he had stayed in the attic room
- (j) Mr Hanratty's description of the room he stayed in which could not fit the attic room
- (k) Mrs Jones' repeated statements that he occupied No 4 -which he could not have done
- (l) The fact that Mr Hanratty never mentioned to anyone at all that he had paid a visit to Rhyl until about 23rd January 1962.
- (m) The fact that Mrs Walker, Mr Fish, Mrs Davies and Mr Larman were all sure that the man who spoke to them had no bag or luggage

334 This last point appears to me to be crucial. One thing is clear. If Mr Hanratty went to Rhyl from Liverpool on the Tuesday evening he was carrying a case. One is not dealing with a situation where the witnesses do not recollect one way or the other whether the man was carrying anything—they state specifically and categorically that he was not.

335 The inference to be drawn from all these factors appears to me to be clear and unmistakable that Mr Hanratty did not spend the night of the 22nd August either at Mrs Jones' house or anywhere else in Rhyl. The question is whether the evidence of the Rhyl witnesses is of sufficient weight in relation to this very night to raise a reasonable doubt as to the correctness of this inference. In my view it is not. I think that the evidence as a whole paying due regard to the original and subsequent Rhyl material, clearly negatives the alibi.

336 I have limited my assessment to the night of the 22nd August because this is the all-important occasion. For any part I am satisfied that Mr Hanratty did not spend the night of the 23rd August 1961 at Mrs Jones' either but the evidence does not preclude the possibility that he did stay at her house on some other night.

ADDITIONAL DEFENCE ARGUMENTS

A. Mr. HANRATTY'S DRIVING

337 Miss Stone's evidence suggests that the car was driven by an experienced driver and had little or no knowledge of the Morris Minor car. There is, of course, the possibility that he was putting on an act. Mr. Hanratty had on several occasions stolen cars and apparently had driven quite a lot. The extent of his driving knowledge and experience was not gone into at the trial. His cousin Eileen Cunningham had given a statement to the Defence that in her opinion he was a very good driver but they did not tell her he bought a Sanbeam car in September 1961 of which he was very proud.

338 The driving testified by Mr. Skellett and to some extent by Mr. Trower, was more reckless than unskilled. Mr. Skellett was travelling in the outside lane and was slowing up as he approached the traffic lights. There was a motor car about 2 cars' lengths in front of him. The Morris Minor came up on the inside lane and cut into the outside lane in front of Mr. Skellett. In so doing it swerved and just missed Mr. Skellett's car. Mr. Blackall described this as a very bad piece of driving.

339. It was found that the Morris Minor had been damaged both at the front and at the rear.

340 Mr. Hanratty's driving was described by several witnesses. It was undoubtedly of a rather reckless character. He was involved in a collision while on the road in September 1961 when driving fast round a corner on the wrong side of a white line. He also damaged the car which he hired in Eire by reversing into something. Mr. Gerrard Joseph Leonard who met him in Eire described him as a very fast slightly reckless driver, inclined to overtake a lot and pass cars out. On one occasion Mr. Hanratty drove Miss France in his newly purchased Sanbeam car. She said he drove zig-zagging from side to side up the road.

341 The general picture of Mr. Hanratty's driving is consistent with the description given by Mr. Skellett and Mr. Trower and indeed seems to be of a similar character to that which they depict.

342 In my view Mr. Hanratty's driving experience and ability do not give him assistance in determining where the fault lies.

B. Mr. HANRATTY'S CHARACTER AND PERSONALITY

343 It is claimed that Mr. Hanratty was a petty thief and that his record, his behaviour and personality were inconsistent with the conduct and attitude exhibited by the murderer. Reliance is placed on the fact that in the Final Statement Miss Stone said she thought he was very likely to be the well

Mr. Harratt showed
Mr. Harratt

it was made very friendly
to the jury

The report
Dr. Oliver said that he found
Mr. Harratt had been
Mr. Harratt gave Dr. Oliver details of his medical
history which he had had a collapse after recovering from an
was transferred from the Royal Sussex Hospital to a mental
hospital.

Mr. Harratt's suspect it should be borne in mind that Mr. Harratt
was told that he had talked about obtaining a gun and becoming a stick up
man.

47 Furthermore his recalcitrant behaviour which resulted in the loss of
sentence was sentenced to corrective training may be an indication of the
nature of his development.

48 There was no direct evidence though it was indicated, from two
men who had known Mr. Harratt in prison who were a hearing on this
matter.

49 One was Mr. L who made a written statement on 11th October 1961.
He said he had met Mr. Harratt in 1958 in Marlborough Prison and again
in another prison in 1960. During this latter period Mr. Harratt talked of
getting guns for a 'job' he intended to do when he was released and also spoke
of guns on other occasions. In July 1961 Mr. L met Mr. Harratt by
chance and he later told him that he was going with two birds in St. John's
Wood. In the last paragraph of his statement Mr. L said "when he was in
prison he was a criminal and was always talking about guns and prostitutes."

50 The other was Mr. C who made a written statement on 6th October
1961. He said Mr. Harratt in August 1961 Mr. Harratt told him that when
he got out of prison he was going to "shoot and carry a gun". He also said that
they would have a job catching him because he "would have
a lot of people to keep out of the way" and that "he had friends that would
help him".

51 Since these two matters have been treated with reserve and having regard
to the evidence which Mr. Harratt has made about it I have
not been able to prove it. It has never been tested on oath or cross-
examined. Some of the remarks may have been little more than boasting
about his future plans. Mr. Harratt's statements were
made in a very casual manner and were not made in a formal manner.

... of Mr. ... remarks of Mr. ... some 6 weeks later

352 The material available does not warrant any very positive inference either way. The picture which emerges is by no means clear. In my view while it does not provide any reliable evidence that Mr. Hanratty committed the murder, neither does it lend support to the argument that the murder and rape was so 'out of character' that Mr. Hanratty could not have behaved and did not in fact behave in this way.

PETER LOUIS ALPHON

353. A great deal has been written about Mr. Alphon. He has been named by various persons as the A6 murderer, and he appears to have confessed on a number of occasions. Mr. Alphon was 30 at the time of the murder. He was 5ft 9 ins and had hazel coloured eyes. He had one previous conviction as a minor character in 1953 viz. taking and driving away a motor cycle. He was named Mr. Alphon's activities and movements played a part in the trial of Mr. Harratty. To that extent they are directly relevant to this enquiry.

354. I do not conceive it to be part of my duties to conduct what would in effect be an informal trial of Mr. Alphon nor indeed do I have the material or facilities to do so. Nevertheless in order to reach a proper conclusion and assessment it is obviously necessary to give careful consideration to the very large body of material with which I have been supplied concerning this matter. This I have done.

The Trial

355. Mr. Alphon stayed at the Vienna Hotel on the night of 22nd/23rd August 1961 using the name of 'F. Durrant'. He was seen by a police officer on 27th August 1961 and gave an account of his movements. According to this he stayed at the Vienna Hotel in Room No. 6 having arrived there at about 10 p.m. He left that hotel about 11.45 a.m. on the 23rd August and checked in at the Alexandra Court Hotel, Seven Sisters Road at about 5.0 p.m.

356. The cartridge cases were discovered at the Vienna Hotel in the Room No. 24 on 1st September 1961.

357. Mr. and Mrs. Nudds' first statements to the police on 15th September 1961 gave Mr. Alphon a complete alibi in as much as he was said to have arrived at about 11.30 p.m. on the 22nd August and been shown into room No. 6.

358. The second statement by the Nudds on 21st and 22nd September 1961 gave a quite different account. They said Mr. Alphon arrived at about 1.0 p.m. was taken to room No. 24 as no single room was available and paid £1.7.6 deposit. He was told that if a single room became vacant he would be moved out. At about 1.0 p.m. the Nudds said they heard that the booking for No. 6 had been cancelled. They sat up until 2.0 a.m. but as Mr. Alphon had not returned, a note with the key of No. 6 was left for him. In the morning about 10.0 a.m. Mr. Nudds went to room No. 6 and found Mr. Alphon who was agitated and dishevelled and said he did not want any breakfast. Mrs. Nudds saw him at midday when he gave in the keys of No. 6 and said good-bye. He then returned to the Rovers which he had intended to do the previous day.

300 A. H. ... Mr.
... and September 1961 and was
... Mr. ... the witnesses concerned were ... asked him
... ... on 23rd or 24th September 1961 but some witnesses
did pick out other persons.

301 On 25th September 1961 the Nudds were again interviewed by the police, retraced their second statements and reverted to their original statements.

302 Mr. Nudds, as emerged at the trial, was a man with a very bad criminal record and was also an informer. In evidence he gave a number of explanations for the second statement. The principal one appears to be that he heard that the police were looking for Mr. Alphon and he thought he could do himself a good turn by helping them in an important job by giving them information they appeared to want. He then persuaded his wife to make a similar statement.

303 At the trial the Defence made strenuous efforts to establish that the Nudds' second statements implicating Mr. Alphon were the truth and that the Hotel records supported this. One of the entries could be said to do this but in the main they appear to support the original version. The relevant records were these:

The Diary

This showed a payment by Mr. Alphon in this form:

"Deposit £176."

Opposite this diary entry was "6".

The suggestion was that the word 'deposit' indicated that the guest was put in a room which was not a single room and that something more might be payable if he remained in that room and would not share it. Mr. Robert Henry Crocker who managed the Group of Hotels of which the Vienna was part, said that if a person were booked in one room and later changed the first entry would be struck out and a second entry substituted.

This did not happen on this night in relation to Room No. 6.

The Room Chart

Room No. 24 had a line through it for that night, showing that it was not occupied.

The Register

Mr. Alphon's entry is the last one on 22nd August and has a star opposite it. Mrs. Galves the manageress gave evidence that this meant he was the last person to register at the hotel that night.

Nowhere in the records is Mr. Alphon or anyone else shown as occupying No. 1. The only room mentioned in connection with him was No. 6.

Mr. Alphon was interviewed and about the role of Mr. Alphon

and that the jury were fully apprised of the possibility that room No. 24 would or could have been used by Mr. Alphon after the murder and would account for the presence of the cartridge cases in that room. They must have rejected this possibility.

I shall deal later with the fact that Mr. Alphon was interviewed by Detective Sergeant Durrant at the Alexandra Court Hotel on the 27th August 1961. At this interview he said he had stayed at the Vienna on the 22nd August in company with Durrant and had arrived there about 11.0 p.m. Detective Sergeant Arthur Kerner who interviewed him telephoned the Vienna Hotel and spoke to a man who said he was the Manager. This man confirmed that a man named Durrant had stayed there on the 22nd/23rd August. The following day the Manager contacted Mr. Kerner and said that Durrant had been in the Hotel from about 10.30 to 11.30 p.m. onwards on the night of the 22nd/23rd August 1961.

Subsequent Events

The story thereafter is an extraordinary one and at times bizarre in extreme. Allegations have been made repeatedly that Mr. Alphon committed the murder and he is on record as having confessed to it although from time to time he has retricted these confessions. One example out of many of his vagaries is this. On the 12th May 1967 Mr. Alphon held a press conference at which he made a 'confession'. However, although he attempted to give details of the events of the night, he did not really do so. The conference was taped and I have read the transcript. On 21st May 1967 according to an article in *The People* Mr. Alphon stated that his confession was a lie.

It is by no means uncommon for people to confess to murders which they had nothing to do with.

There is a vast amount of written, taped and other material relating to the matter. Mr. Foot devotes 102 pages of his book and some pages of his appendix to it. At Mr. Hindman's request I have listened to parts of certain tapes. I do not think it is necessary for me to examine in this Report all the material material available. I propose to confine my observations to 13 matters.

First. It is said that there are times when Mr. Alphon pronounces the name of the victim. This is said to occur when Mr. Alphon is excited. It has been shown to me on occasions when this pronunciation appeared to occur. However, to me it was not easy to follow the tapes owing to the fact that they were noisy. There are also a few occasions on the tapes when the name of the victim is pronounced to me when the typist has shown the name of the victim. However, it does not appear either from the transcript or from the tapes that Mr. Alphon really pronounced the name of the victim in the way in which it is pronounced in the transcript. Mr. Alphon's name is pronounced in the transcript as 'Alphon' and in the

... were after it himself and I wish to be mentioned in my report. The woman who was interviewed on the 10th of May 1967 was Mr. Alphon was interviewed for Independent Television News on May 1967. Mr. Alphon in his evidence said that Mr. Alphon did not mispronounce the 'th' in the course of the interview of 23rd September 1961 which lasted from 2.0 a.m. to 5.15 a.m. and which must have created considerable tension and anxiety in Mr. Alphon's mind. Mr. Hanratty regularly pronounced the 'th' as 'f'. I think it would be surprising for someone who did not regularly or usually do this to keep it up for the best part of 6 hours in the circumstances described by Miss Stone.

370. *Second*—Mr. Foot states that on the 12th May 1967 he spoke to Mr. Alphon on the telephone and wrote an article in the *Sunday Times* of 14th May 1967 in which an account of this conversation was set out (P.F. 361-4). According to Mr. Alphon's statements Mr. France was a mutual friend of Mr. Alphon, another person and Mr. Hanratty and it was alleged that Mr. France supplied a gun to Mr. Alphon and had named Mr. Hanratty by putting the gun on the bed and the cartridge cases in the Vienna Hotel. So far as I am aware there is no independent evidence that Mr. France and Mr. Alphon knew each other. The article suggests that Mr. Alphon knew Mr. Hanratty and that in the Morris Minor car he pretended that he was Mr. Hanratty. Again so far as I am aware there is no independent evidence to support the suggestion that they knew each other. Indeed in the notes alleged to have been handed over by Mr. Alphon on the 15th May 1962 he is said to have written

"... although I never met Ryan".

In Mr. Foot's article Mr. Alphon is quoted as saying

"Valerie would not recognise me. She did not recognise me. She never saw my face once in the car".

In my view there is no doubt that Miss Stone did see the murderer's face in the car and was convinced that she would recognise it.

371. *Third*—I have been furnished with the transcripts of the tape recordings of two telephone conversations which I am informed took place between Mr. Foot and Mr. Alphon on the 26th and 28th May 1967 in which Mr. Alphon apparently gives a detailed and circumstantial account of how he claims he disposed of the murder gun on the 23rd August 1961.

(a) According to this account Mr. Alphon handed the gun to Mr. France in Southend on the early afternoon of that day; he and Mr. France remained together for some time and Mr. Alphon did not get back to London until after 11.0 p.m. arriving in Finsbury Park at about midnight.

(b) Enquiries established that Mr. Alphon stayed at the Alexandra Court Hotel from 23rd August to 6th September 1961 where he was interviewed on the 27th August. On the 15th September 1961 the receptionist Mrs. Anita Sims made a statement to the police in which she said that Mr. Alphon arrived about 5.0 to 6.0 p.m. on 23rd August. She had cause to remember him because of the police visit four days later.

The account of the disposal of the gun is hardly very impressive.

... In the night conversation of the 21st May Mr. Alphon is said to have said that he had no more drinks before he went into the car ... conversation ... of ... with him in the car. No evidence ... that the man was been drinking or that he had been ... to drink in the car.

Mr. Henderson quotes Miss Stone in her "First Statement" as saying

"I don't know if the first shot hit Mike".

and later that the man said

"... that he had not hit Mike with the first bullet".

... was not given in evidence at the trial and that a conversation with Mr. Alphon is alleged to have had on the 21st November 1969 with Mr. ... which he quotes in his book suggests that Mr. Alphon was doubtful about the first shot. In fact Mr. Alphon is there quoted as saying that the first shot was accidental.

"... I just shot him in the head".

In a number of the alleged confessions Mr. Alphon is reported as having said that he fired only one shot at Mr. Gregsten: there is no doubt that Mr. Gregsten was hit by two bullets. It is perhaps worth observing that on the tapes which were played to me the person who was said to be Mr. Alphon mentions safety catch of the gun on two occasions. On one of these he said that he ... how to work the safety catch. The murder gun had no safety catch.

74. ... to Mrs. Merkle Daul reported to the police on the 7th September 1961 that a man came to her house in East Sheen at about 1.40 p.m. and attacked her. He showed that he was the A6 murderer. She picked out Mr. Alphon at an Identity Parade as being the man and he was charged. He subsequently gave the police information that he was buying almanacs in the City at that time from a place where he had bought them on previous occasions. Two people from that establishment attended Identity Parades and confirmed in a positive manner that he had been there just before 1.0 p.m. on 7th September. He could not have got to East Sheen in time to have attacked Mrs. Daul. As ... no evidence was offered against him. Mr. Harratty was in fire on 7th September 1961.

75. ... Jean Wilks was held up in her house in Knebworth, Herts ... on the morning of the 24th August 1961. He behaved in a very peculiar fashion.

... gave evidence at the trial and said that the man in question ... they were called by the Defence to demonstrate that ... resembled the A6 murderer and Mr. Alphon ... was threatening ... September when Mr. Harratty was in fire.

... said to her

"It is going to be funny for you and I on Wednesday morning when they say the wrong man — you and I know who did it, don't we."

Mrs. Webb replied that as Hamratty had been found guilty she assumed he had committed the murder. The man laughed. He subsequently told her to look at his eyes. She did so, saw that they were blue and he said

"They are blue aren't they?"

In her statement she described the eyes as dark blue. Mr. Alphon's eyes were not blue. It seems clear that this man was not Mr. Alphon. She had said at the trial when asked about the colour of the man's eyes on 24th August that she thought they were brown.

(2) These incidents suggest that one or it may be two other persons were claiming to be the No. 1 murderer and that this person or one of these two was not Mr. Alphon. They are illustrations of the effect which highly publicised crimes of this nature may have on persons of an unstable character.

375. *Seventh.* Mr. Fogarty-Ward. He made a statement to the police on 22nd September 1961 when he was living at Pecks Farm, Marsh Lane, Taplow. He said he gave a lift to a man on 19th August 1961. He believed he had seen this man in the area with a girl wearing glasses and when shown a photograph of Miss Stone said that this resembled the girl very closely. He also said that the man very closely resembled the man on the right of the two impressions (presumably the Identaks). On 1st April 1962 he made another statement to the police. He said he had often seen in the vicinity of Pecks Farm a person who resembled the man he had given a lift to and he then referred to an incident when he found a man looking at his car who ran away. He said he eventually contacted persons who were making enquiries into the Hamratty defence and was shown two photographs. He identified the one of a man with a deformed nose (it is presumably suggested that this was a photograph of Mr. Alphon) who he thought bore a resemblance in facial features to the man he had given a lift to and whom he had seen by his car on the subsequent occasion. Both the incidents referred to occurred between midnight and 10 a.m. Mr. Foot describes an incident on 26th when Mr. Fogarty-Ward went to Brighton and was said to have recognised Mr. Alphon as the man concerned with the two incidents. Mr. Foot says that Mr. Alphon contradicts Mr. Fogarty-Ward's story. I do not think his evidence throws any light on the problem raised by the case.

376. *Eighth.*—Mrs. Mary Lenz.

(a) In 1961-1962 her husband was the licensee of the Old Station Inn, Taplow and she served behind the bar. Mr. Foot and Mr. Lewis Chester took a statement from her which was published in the *Stroud Times* of 4th July 1962. In this she said that Mr. Gregson and Miss Stone came into the bar on the 22nd August, 1961 and sat on their usual seat. They were well known to her. They left after 9 o'clock. Mr. Alphon was also in the bar at the time when they left but did not speak to her. Mr. Gregson

a man wanted in connection with a murder and recalled the man he had found who was a very good likeness to the darker of the two sketches. He was seen by a representative of the Defence on 24th December 1961, but was not called as a witness. According to the report in the West Essex Gazette which Mr. Halcro sent me he claims that the man he saw on the 24th August resembled a photograph of Peter Alphon. The evidence from the Alexandra Court Hotel shows that Mr. Alphon slept there regularly from the 23rd August onwards. In any event it does not appear to me that Mr. Halcro's evidence assists in determining the truth of this matter.

379. *Eleventh.*—It is said that Mr. Alphon has no alibi for the night in question. If the evidence given by Mr. and Mrs. Nudds at the trial was true he had a perfectly good alibi. It is impossible to know what the jury thought of the Nudds and I do not intend to speculate. It must be remembered that there are occasions when a person may not be able to provide corroborative evidence as to where he was at a particular time. Nor is he expected to do so unless there is a real case against him.

380. *Twelfth.*—Mr. Alphon had virtually no criminal record and had never been in a penal institution. It seems highly unlikely that he would have displayed the detailed and rather expert knowledge of the workings of the penal system which the murderer appears to have possessed.

381. *Thirteenth.—The Tapes.* I have listened to the tapes. Assuming that Mr. Alphon was speaking, for my part I do not feel that I was able to draw any inference from the way in which he spoke or his tone of voice or as to the genuineness or reliability of any confession.

382. I have considered all the other matters which have been urged in support of the suggestions as to Mr. Alphon's role. It is important to remember that there is no direct or positive evidence that he committed the crime. No-one identified him as the murderer or the driver of the Morris Minor. The murderer's description of his criminal record and activities and his knowledge of the penal system do not fit Mr. Alphon. The "confessions" are a mass of contradictions and inconsistencies. Nothing that I have seen or heard leads me to feel that the conclusion which I set out in Section X is incorrect or should be qualified.

ASSESSMENT AND CONCLUSIONS

383. I have already stated my assessments of many aspects of the original evidence and of the additional material not put before the jury and I do not propose to repeat these in detail.

384. It has, perhaps, not always been appreciated what a formidable case built up against Mr. Hanratty as the trial proceeded. A remarkable number of features belonging to the murderer—such as voice: pronunciation: accent: use of language: detailed knowledge of the penal system and the very unusual experience of having "done the lot" (served a complete sentence): housebreaking: dress: age: general build and appearance and large staring blue eyes: fitted Mr. Hanratty. Individually none of them could be conclusive: cumulatively they strongly reinforced the three independent, specific and positive identifications of the man himself. The presence of used cartridge cases from the murder gun in a room where he had stayed and the finding of the murder weapon underneath the back seat of a bus—a place which he had admitted he had used as a receptacle, added to the growing list of identificatory material. On the matters in controversy between the Prosecution and the Defence—and in particular between Mr. Hanratty and the Police—both the inherent probabilities and Mr. Hanratty's lack of credibility as a witness provided clear support for the Prosecution's versions of these matters. A number of pieces of evidence pointed to deliberate attempts on the part of Mr. Hanratty to provide himself with an alibi based on a stay in Liverpool on 22nd and 23rd August 1961—the pointless telegram to the France family on 24th August 1961 and the sweetshop incident in Scotland Road, Liverpool, which I accept took place on 21st August 1961, are examples of this. Mr. Hanratty completely failed to provide an acceptable explanation for any of the following matters: the original lies about staying in Liverpool: as to his reasons for allegedly going to Liverpool or to Rhyl on 22nd August 1961: his inability to find the man in Liverpool or the man in Rhyl who were supposed to be the objects of his visits to these places: the fact that he did not suggest to anyone he had stayed in Rhyl on the crucial nights of 22nd and 23rd August 1961, until about the 23rd January 1962—after the trial had started and it had become obvious that the Liverpool Alibi would not stand up; and the fact that while in Liverpool between 7th–11th October 1961—after he had spoken to the Police—he made no attempt to discover the "easy to find" boarding house he said he had stayed in.

There was no acceptable evidence to support Mr. Hanratty's "Rhyl Alibi". On the contrary the three witnesses called for the prosecution provided weighty positive evidence that Mr. Hanratty did not spend the nights of 22nd and 23rd August 1961 in Mrs. Grace Jones' Rhyl boarding house. The jury, who saw and heard Mr. Hanratty for the best part of two days, and who had ample opportunity of forming a judgment of him, felt compelled to reject his evidence. The rejection of the "Rhyl Alibi" put forward by Mr. Hanratty left the jury with nothing positive on the side of the Defence to set against the direct evidence that Mr. Hanratty was the murderer: supported as it was by a powerful body of circumstantial evidence. My assessment is that the jury were fully justified in returning a verdict of guilty.

385. The question is whether the additional material now available, set in the context of the original evidence, creates a reasonable doubt as to the correctness of the verdict.

386. The impact of the additional material can conveniently be considered in two parts: its effect on the case presented by the prosecution; and its effect on the Alibi.

The Prosecution Case

387. The additional material may be regarded as having a bearing on 4 aspects:—

(a) *Miss Storie's evidence and in particular her facial identification*

I have already indicated that it would tend to make one approach her identification evidence even more circumspectly than one would have done at the trial. I do not consider that the additional material casts doubt on the general reliability of her evidence. When she said she had no doubt that Mr. Hanratty was the murderer, I am satisfied that she genuinely believed this; and, on the view which I have formed of the case, she was not only truthful but accurate.

(b) *Langdale*

The complete evidence of Mr. Eatwell coupled with the details of the reports in the evening newspapers of 22nd November 1961 would tend to give more weight to his evidence.

(c) *The gun and becoming a "stick up man"*

The evidence of Mr. L. and Mr. G. suggests that Mr. Hanratty's admissions to Mr. Acott as to these matters were of an even more serious character than appeared on the surface.

(d) *Mr. Hanratty's explanation for the original lies about the Liverpool Alibi*

The additional material supports Mr. Acott's version of his telephone conversation with Mr. Hanratty and casts even greater doubt on the latter's explanation for inventing the Liverpool Alibi and not mentioning Rhyl.

The Alibi

388. (a) *Liverpool*.—The additional material makes the prosecution case that the sweetshop incident occurred on 21st August 1961 even stronger.

(b) *Rhyl*.—(i) Many of the witnesses have, over the years, changed their evidence so much as to cast serious doubts on its reliability.

(ii) None of the new material or evidence relating to Mrs. Grace Jones or her family lends, what I would regard as, any reliable support to the contention that Mr. Hanratty spent the nights of 22nd (or 23rd) August 1961 at her house.

(iii) Mrs. Jones' and Mrs. Harris' identifications at any rate in 1962 —were doubtful and uncertain.

(iv) All other Rhyl witnesses were being asked or were endeavouring to identify a man, after a lapse of over 5 months, whom they had met in a chance encounter for a very short time.

(v) Those who appear to have had the most definite recollection of such an encounter were all sure that the man had no luggage of any sort.

(vi) On Mr. Hanratty's account he must have been carrying a case.

(vii) The circumstances relating to the encounter described by Mr. Larman cannot really be reconciled with those described by Mrs. Walker or Mrs. Vincent—or other persons.

(viii) Mr. Larman's timing and his description of the light and the sun cannot be reconciled with Mr. Hanratty's version of the matter and in particular are quite inconsistent with the earliest time Mr. Hanratty could have arrived from Liverpool by bus on 22nd August 1961.

(ix) There is in my opinion, no reliable new evidence to support the claim—which the jury on the material before them rejected—that Mr. Hanratty spent the night of 22nd /23rd August 1961 in Rhyl.

389. My conclusion is that at the end of the day the case against Mr. Hanratty remains overwhelming and that the additional material set into the framework of the case as a whole does not cast any real doubt upon the jury's verdict.

C. LEWIS HAWSER

26th March 1975

1 Garden Court,
London, E.C.4.